



**CITY OF WHITEWATER  
COMMON COUNCIL AGENDA**  
Common Council Meeting

**AMENDED AGENDA AS OF 3/18/19 – 11:00 A.M.**  
**(Correction of date of Public Works Committee and addition of closed session item)**

**Tuesday, March 19, 2019 - 6:30 p.m.**  
**City of Whitewater Municipal Building**  
**312 W. Whitewater St., Whitewater, WI 53190**

**CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.**

**CONSENT AGENDA:**

CA-A	Approval of Invoices processed through 3/13/19.	P. 1
CA-B	Acknowledgment of Receipt and Filing of the Following: <ul style="list-style-type: none"> <li>- Birge Fountain minutes of 3/14/18;</li> <li>- Landmarks Commission minutes of 3/1/18, 4/10/18. 5/3/18, 6/7/18, 7/5/18, 8/2/18, 9/6/18, 10/4/18;</li> <li>- Plan Commission minutes of 11/12/18, 12/10/18, 2/11/19;</li> <li>- <b><i>Public Works Committee minutes of 2/12/19.</i></b></li> </ul>	P. 5
CA-C	Expedited approval of the following items, per City Staff Approval: None.	n/a

**CITY MANAGER UPDATE**

**STAFF REPORTS:**

Chief Raap	Police Department report on Spring Splash event.	n/a
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**HEARING OF CITIZEN COMMENTS.** No formal Common 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.

**RESOLUTIONS: None.**

**ORDINANCES: First Reading:**

O-1	Adoption of amendments to Chapter 16 relating to Water and Sewer regulations, rates, and use charges. (DPW Director Request).	P. 63
O-2	Adoption of amendments to Chapter 19 of the Municipal Zoning Ordinance as it relates to nonconforming uses, structures and lots. (Neighborhood Services Director Request).	P. 129
O-3	Adoption of ordinance amending Chapter 7.36, Penalties for Causing Damage to Landmark Property or Theft of Landmark Property. (Neighborhood Services Director Request)	P. 138
O-4	Adoption of ordinance increasing fine / citation amounts for damage to locally-designated Landmark property. (Neighborhood Services Director).	P. 140

**ORDINANCES: Second Reading: None.**

**CONSIDERATIONS:**

C-1	Approval of contract for Old Paper Mill Dam Repair project. (DPW Director Request).	P. 142
C-2	Approval of amendment of Department of Transportation (DOT) design for the Milwaukee Street Reconstruction Project. (DPW Director Request).	P. 143
C-3	Request for approval of Strand Associates Task Order 19-02 for Industrial Drive Water Main Project. (DPW Director Request).	P. 146
C-4	Request for approval of Strand Associates Task Order 19-03 for Highway 59 (Milwaukee Street) Utility Service and Inspection.	P. 150
C-5	Request for action on updates to Neighborhood Services re-inspection fees and to planning fees. (Neighborhood Services Director Request).	P. 153
C-6	Discussion regarding council meetings that are scheduled for election days and possible direction regarding same. (Finance Director Request).	n/a
C-7	Councilmember Request for Future Agenda Items and future POLCO questions.	n/a
C-8	<b>EXECUTIVE SESSION.</b> Adjourn to closed session, <b>NOT TO RECONVENE</b> , pursuant to Chapter 19.85(1)(e) of the Wisconsin Statutes, “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: 1) Negotiation of Memorandum of Understanding with DP Electronics; and 2) negotiations relating to Clay Street temporary easements <b><i>AND 3) negotiation of sale of city-owned property near roundabout.</i></b>	n/a

**Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.**

**\*Items denoted with asterisks will be approved on a single motion and vote due to their routine nature or previous discussion. Any council member may request that a consent agenda item be removed for individual discussion.**



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**ORDINANCES: Second Reading: None.**

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Vendor	Vendor Name	Description	Invoice Date	Net Invoice Amount	GL Account Number
150	CHICAGO TITLE CO	60YR SEARCH WITH EASEMENTS/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	60YR DEED WITH EASEMENT SEARCH/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	60YR DEED WITH EASEMENT SEARCH/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	60YR DEED WITH EASEMENT SEARCH/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	LETTER REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
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150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	60YR SEARCH WITH EASEMENTS/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	60YR DEED WITH EASEMENT SEARCH/CLAY ST	03/13/2019	300.00	450-54000-836
150	CHICAGO TITLE CO	EASEMENT AND RESTRICTION REPORT/CLAY ST	03/13/2019	300.00	450-54000-836
Total CHICAGO TITLE CO:				16,500.00	
<b>DONOHUE &amp; ASSOCIATES INC</b>					
7077	DONOHUE & ASSOCIATES INC	FEB 2019 ENGINEERING SVC FOR WWTP	02/22/2019	6,665.88	620-62810-820
Total DONOHUE & ASSOCIATES INC:				6,665.88	
<b>JAMES LEASING LLC</b>					
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	96.84	100-51400-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	113.45	100-52100-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	113.45	100-51500-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	113.45	100-53100-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	53.79	100-53300-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	239.51	220-55110-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	53.79	610-61921-310
8438	JAMES LEASING LLC	FEB 2019 COPIER LEASE	03/05/2019	53.79	620-62820-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	254.21	100-51400-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	63.50	100-51500-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	13.82	100-51200-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	92.55	100-52100-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	22.22	100-53270-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	11.24	900-56500-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	55.91	620-62820-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	32.59	610-61921-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	13.70	630-63300-310
8438	JAMES LEASING LLC	FEB 2019 COPIES CHARGE	03/05/2019	116.54	220-55110-310
Total JAMES LEASING LLC:				1,514.35	
<b>JOHNS DISPOSAL SERVICE INC</b>					
42	JOHNS DISPOSAL SERVICE IN	MAR 2019 REFUSE	03/05/2019	22,175.75	230-53600-219
42	JOHNS DISPOSAL SERVICE IN	MAR 2019 RECYCLE	03/05/2019	6,928.25	230-53600-295
42	JOHNS DISPOSAL SERVICE IN	MAR 2019 BULKY	03/05/2019	4,440.50	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:				33,544.50	
<b>PAL STEEL CO</b>					
349	PAL STEEL CO	STEEL FOR FABRICATION	02/25/2019	649.00	100-53230-310

Vendor	Vendor Name	Description	Invoice Date	Net Invoice Amount	GL Account Number
Total PAL STEEL CO:				649.00	
<b>PEPSI-COLA</b>					
7941	PEPSI-COLA	10 CASES OF SODA/GATORADE	03/12/2019	203.37	247-55800-342
7941	PEPSI-COLA	10 CASES OF SODA/GATORADE	03/05/2019	208.79	247-55800-342
Total PEPSI-COLA:				412.16	
<b>WE ENERGIES</b>					
25	WE ENERGIES	Electric-1057-117-657-Howard Rd	03/13/2019	180.69	100-53420-222
25	WE ENERGIES	Electric-1074-119-995-Coburn Lane Hill	03/13/2019	16.24	610-61620-220
25	WE ENERGIES	Electric-5838-249-652-Innovation Ctr	03/13/2019	6,384.47	920-56500-222
25	WE ENERGIES	Gas-4287-581-573-Cravath Lake Comm. Bldg.	03/13/2019	209.06	100-51600-223
25	WE ENERGIES	Electric-4628-204-100-TFOD-Electric	03/13/2019	166.19	100-53270-222
25	WE ENERGIES	Gas-7076-875-705-TFOD-Gas	03/13/2019	90.32	100-53270-223
25	WE ENERGIES	Electric-4846-241-794-Newcomb St Light	03/13/2019	108.51	100-53420-222
25	WE ENERGIES	Electric-0236-455-931-Indian Mound & Walworth	03/13/2019	26.18	100-53420-222
25	WE ENERGIES	Electric-3687-278-363-E. Universal	03/13/2019	179.49	100-53420-222
25	WE ENERGIES	Electric-5445-406-203-Executive Dr.	03/13/2019	153.69	100-53420-222
25	WE ENERGIES	Electric-6074-497-248-Main & Indian Mound Pkwy	03/13/2019	35.60	100-53420-222
25	WE ENERGIES	Electric-6836-021-915-Behind 124 Main St.	03/13/2019	42.31	100-53420-222
25	WE ENERGIES	Electric-6847-415-325-Walton Dr. Siren	03/13/2019	20.00	100-52500-310
25	WE ENERGIES	Electric-8088-173-664-Bluff Rd. Siren	03/13/2019	20.55	100-52500-310
25	WE ENERGIES	Electric-8286-036-813-W. side North St.	03/13/2019	161.96	100-53420-222
25	WE ENERGIES	Electric-9432-979-675-Street Lights	03/13/2019	17,174.28	100-53420-222
25	WE ENERGIES	Gas-5498-566-443-Aquatic Ctr Gas	03/13/2019	7,736.97	247-55700-223
25	WE ENERGIES	Electric-5821-143-896-Park	03/13/2019	15.71	100-53270-222
25	WE ENERGIES	Electric-6401-207-230-Aquatic Ctr Electric	03/13/2019	6,216.39	247-55700-222
25	WE ENERGIES	Electric-7021-594-513-City Hall	03/13/2019	4,217.41	100-51600-222
25	WE ENERGIES	Electric-2457-870-961-Library-Electric	03/13/2019	995.37	100-55111-222
25	WE ENERGIES	Gas-5607-778-455-Armory	03/13/2019	1,100.37	100-51600-223
25	WE ENERGIES	Electric-3041-447-913-Armory	03/13/2019	1,068.41	100-51600-222
25	WE ENERGIES	Gas-6295-171-958-City Hall	03/13/2019	2,110.89	100-51600-223
25	WE ENERGIES	Electric-8038-022-185-Historical Society	03/13/2019	175.45	100-53420-222
25	WE ENERGIES	Gas-9264-110-991-Historical Society	03/13/2019	181.14	100-51600-223
25	WE ENERGIES	Gas-8269-469-603-Library	03/13/2019	724.92	100-55111-223
25	WE ENERGIES	Electric-7486-516-051-Jefferson St Light	03/13/2019	152.33	100-53420-222
25	WE ENERGIES	Electric-7693-767-222-Nature Area-Electric	03/13/2019	23.53	100-53270-222
25	WE ENERGIES	Electric-7844-505-985-Whiton & Main St	03/13/2019	109.62	100-53300-222
25	WE ENERGIES	Electric-6681-164-765-329 N. Tratt (str.lites)	03/13/2019	6.05	100-53420-222
Total WE ENERGIES:				49,804.10	
<b>WISCONSIN TECHNOLOGY COUNCIL</b>					
7508	WISCONSIN TECHNOLOGY CO	2019 CORPORATE MEMBERSHIP	01/08/2019	3,500.00	920-56500-323
Total WISCONSIN TECHNOLOGY COUNCIL:				3,500.00	
Grand Totals:				114,418.47	

Dated: 03/13/19

Finance Director: Steve Hatton

Vendor	Vendor Name	Description	Invoice Date	Net Invoice Amount	GL Account Number
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Report Criteria:

Detail report.

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

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## MINUTES OF THE BIRGE FOUNTAIN COMMITTEE - March 14, 2018

The Birge Fountain Committee meeting was called to order at 6:30 p.m. by Chairperson Jim Allen. Present: Higgins, Kienbaum, Allen, Wellnitz, Nass, Craggs, Walton. Absent: None Others Present: Richard Helmick, Kori Oberle, Chris Grady, Brad Marquardt, Council President Patrick Singer.

**APPROVAL OF MINUTES.** It was moved by Nass and seconded by Wellnitz to accept the minutes of the September 18, 2017 meeting. Motion carried by unanimous vote.

**FINANCIAL REPORT.** Treasurer Jim Allen reported that there are no changes to the Financial Report. Allen did note that the Committee had committed to paying approximately \$5,000 towards the Conservator's Report fees, but he would like to speak to the City to see whether the Committee can wait until August 21 to pay, as that is the date the Committee's certificate of deposit matures. (Allen believes they have approximately \$4,600, and is hoping that \$400 can be taken out of the City's business account.

**LIGHTING FOR THE FOUNTAIN.** Allen reported that at the last meeting, he had asked contractor/member Russell Walton to look into lighting possibilities for the fountain. The fountain currently has "winter lights" and "summer lights". It was noted that the summer lights have to be submerged. Russell Walton obtained a quote from Superior of Waukesha, Wisconsin. The quote was obtained through local representative. Guy Ledwell, employed by Pool Corp. of Covington, Louisiana. Ledwell was present at the meeting. Quotes were distributed to the Committee.

The quote consisted of eight Spa Intellibrite 5G LED lights (four 30s and four 50s) and four natural bronze side mount light fixtures. The LED lights are intended for submersion, are durable, and can be used as one set of lights for both under water and out of water installation. There is also an option for lights with increased longevity. In response to questions, Ledwell indicated that his proposal is strictly for lights underwater. He can come back with additional options. He explained that he works with municipalities and water parks. He indicated that if the group wants specific lighting, there is a company out there that can provide it. I can come back. I am here local did not know looking for something running dry as well. I work with municipalities and water parks. If want something winter or summer dry or wet there is a company.

Streets Superintendent Nass indicated that his department does a great deal of maintenance on the underwater lights. Nass also has concerns about LED lights when snow builds up on them – the snow does not melt. Nass prefers the switching out of lights when seasons change.

Chairperson Allen suggested additional options be researched and brought to the next meeting. It was agreed that white light is too stark of a color. It was mentioned that the building lights are more of an amber color. Ledwell cautioned about the creation of a shadow. It was noted that at the current time, there are four lights on the bottom of the fountain, and three on the top.

No formal action was taken, but direction was to ask Ledwell for additional options.

**WATER PUMPS, MANIFOLDS.**

A suggestion was to split our manifolds into two different pumps. Nass indicated that a small enough pump would have to be obtained. Russell Walton indicated that a heavy duty sump pump is located inside of the crate, protected with fiber mesh to prevent bugs from getting in. Jim Allen indicated that it is hard to adjust the upper flow because it is pushing the water up so far. Tweaking the flow becomes almost a daily task. By going with two pumps, the flow will be more even. Volume is more important than horsepower. Streets Superintendent Chuck Nass indicated it would not be a problem to divide. At the request of the Chair, Russell Walton will research this and bring back detailed information. Resident and councilmember Chris Grady indicated he would like to be present during the pump / manifold inspection.

**FOUNTAIN PAINTING.** Chairperson Allen indicated that the fountain did not get painted last year. Nass confirmed that normally an auto based paint is used for the fountain. Allen requested input on any painters out there. Jay Craggs volunteered to speak to someone he knows on campus about painting it, and connect the painter and Chuck Nass. Resident Kori Oberle offered Jake Lesier as a painter. She will forward contact information to Chuck Nass. It was noted that the fountain is normally opened around April 15<sup>th</sup>, depending on weather. The possibility of painting the fountain just before it's shut down July 4<sup>th</sup> was mentioned. It was agreed that painting will take place the beginning of July.

**NEXT MEETING:** The next meeting of the Birge Fountain will be held on April 11, 2018.

**ADJOURNMENT.** It was moved by Wellnitz and seconded by Nass to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Michele R. Smith, Clerk

# AGENDA

**Whitewater Landmarks Commission Meeting Minutes**  
**Thursday, March 1, 2018 – 6:30 PM**  
**Municipal Building, Cravath Lakefront Room, 2<sup>nd</sup> Floor**  
**312 Whitewater Street, Whitewater, WI 53190**

**Call to Order** The regular meeting of the Whitewater Landmarks Commission was called to order at 6:30 p.m. by Chairperson Pat Blackmer. Landmarks Commission Members Present: Blackmer, Brady, Helmick, Kienbaum, Richardson, Haselow, Grady. Members Absent: None. Others Present: Nancy Cassano.

**Agenda / Minutes Approval.** It was moved by Brady and seconded by Haselow to approve the agenda as printed. Motion carried by unanimous vote. It was then moved by Helmick and seconded by Brady to approve the minutes of February 1, 2018, with corrections (to include additional language regarding discussion related to meeting time change).

**PRESENTATION BY RANDY ASCHBRENNER REGARDING RENOVATION OF THE LANDMARKS BUILDING (discussion and possible direction).** Randy Aschbrenner, owner of locally-designated landmark, Landmark Hotel, was present to discuss some remodeling proposals for 204 W. Main.

Randy presented a recently completed rendering of his property. He stated that the green plywood above the first and second floor windows will be filled in with lap siding with a 6” reveal. Lap siding has also been chosen for all gables. Aschbrenner also supplied samples of the sidings he would like to use.

Once weather permits, Aschbrenner will contact the mason, as Aschbrenner cannot proceed with numerous tasks until the masonry work is done. (concrete sills need to be completed). Aschbrenner provided sample shingles, indicating that a gray roof would be more attractive than a solid black. Aschbrenner would like for the existing brick to be the most dominant feature of the building.

Aschbrenner indicated that there are plans for only one street-level awning, plus the tavern entrance opening awning. Awnings will be one of the last improvements, possibly not being completed in 2018. Intentions are to install gable vents in the front (total of six large louvered gable vents). He indicated that the back will remain asbestos slate, painted to match the existing colors. Randy wants to be sure the Landmarks Commission is on board with replacing the shake style shingles.

Proposed vinyl windows will be double hung. Windows are of industrial quality, and are able to be opened as well as tilted in for cleaning. Randy indicated that the awnings may have to wait until he can abate the icicle formation. Aschbrenner plans to have additional roof venting installed, as well as new rain gutters.

The subject of elimination of the grids from the windows was discussed. Landmarks Commission was in support of the removal of the grids. Aschbrenner was agreeable, noting that it would be a cost savings. Beige windows instead of white were discussed. After discussion, it was moved by Brady and seconded by Grady to approve the proposal as presented (see attached Exhibit A), with the understanding that the windows will be beige and the grids will be moved from the windows. AYES: Blackmer, Brady, Helmick, Kienbaum, Richardson, Haselow, Grady. NOES: None. ABSENT: None.

## **Reports**

- **Status of the Burial Preservation Act** (Helmick) – No further information is available at this time.
- **Brickyard Park** (Brickyard Historic Area/ Dog Park) report (Kienbaum) – Kienbaum expressed displeasure with the new location of the dog park. Blackmer indicated that the Landmarks concern

relates to the historical marking of the site, and that would require input from the Parks and Recreation Department.

- **Effigy Mounds Preserve** (Helmick) – The group met February 7<sup>th</sup>. Two new members have stepped forward. Helmick and Oberle recently met with the Parks and Recreation Director, who is focused on starting on the path installation and getting the boulders placed. Activity could begin this Spring. The City is leaning more towards placing wood chips on the path inside the preserve; if limestone were used, a base would have to be dug for it, and there are concerns about disrupting the ground. Also being considered is installation of a limestone path from the Street, north to the Mounds entrance way. Helmick indicated he has been approached by the Optimist Club, which is very interested in supplying funds to be used for Mounds projects, as well as to provide labor to spread wood chips or gravel. This information was passed along to the Parks and Recreation Director.
- **Birge Fountain Committee** (Kienbaum) Kienbaum indicated that the group has not met yet.
- **Progress on Reprint of Brochure** (Brady) – Kathy has received the quotation. Fees are dependent on the weight of the paper. Approach of the Tourism group to see whether they would cover the cost was discussed, however, there is no intent to ask Tourism until everything is solidified.
- **Historic City-Owned Property Inventory Tags** (Blackmer) The tagging project continues.

### Unfinished Business

- **Effigy Mounds Moonlight Walk:** date, time, publicity and Park Director's permission (Haselow) – Discussion about the walk continued. It was agreed that a Committee consisting of Suzanne, Richard and Pat Blackmer will meet to finalize plans. May 5<sup>th</sup> was chosen as the date.
- **Committee meeting for Historic Preservation Month Display:** set date, time, place – Haselow, Helmick and Blackmer will handle the display.
- **McKay Laboratory report on Birge Fountain and possible meeting** (Grady) – Per Chris Grady, the City Manager would like this report discussed at the Council level. Blackmer indicated the report is significant, with several recommendations in the report that are to be considered when opening the fountain.
- **Discussion and possible direction regarding time of Landmark Commission meetings.** It was noted that the meetings are generally held at 6:30. Helmick indicated his preference would be to meet earlier than 6:00. Grady indicated that it is easier for people who work to meet later. Haselow understood, but was not sure it was a deterrent to join the Commission. Grady has heard remarks from a couple of councilmembers confirming that when there is no flexibility, some potential members won't even apply. Ken Kienbaum indicated that the meetings started at 5:30 when he joined. It was moved by Grady to change the time of the regularly scheduled meetings to 6:30 p.m. The motion died for lack of a second. It was then moved by Richardson and seconded by Kienbaum to continue to schedule Landmarks meetings at 6:00 p.m. (no change from current schedule). AYES: Blackmer, Brady, Helmick, Kienbaum, Richardson, Haselow. NOES: Grady. ABSENT: None.
- **Discussion and possible direction regarding Good Governance concerns.** Kathy Brady indicated that she received a copy of the proposal, did send an e-mail to the City Manager, but has not yet received a response. Blackmer noted the article in the February 8, 2018 Whitewater Register identified controversy. Council will be taking this matter up again in the future.

- **Recommendations for Local Landmarks discussion and possible direction** - No further action has occurred.

### New Business

- **Individual Commission members projects for April** - Committees for the Effigy Mounds and Library display will meet (Helmick, Haselow, Blackmer), Brady will work on the brochure, Kienbaum will contact the City Manager regarding the dog park, and Dan Richardson will re-start his photograph project.
- **Landmarks Commission submission of educational articles to the Walworth County Historical Society's "Kids Legacy" newsletter discussion and direction** - Dan Richardson has developed a quarterly publication through Walworth County Historical Society. The publication is aimed at 4<sup>th</sup> grade students, starting with Indian history. Blackmer asked permission to include the Effigy Mounds Preserve in the publication, and permission was granted.
- **Discussion and possible direction on joint Landmarks Commission and Whitewater Federation of Women's Clubs Historic Landmarks Tour** - Being considered is a joint project between the Bassett House and the Landmarks Commission. The Landmarks Commission involvement would be to serve as docents on the day of the open houses. Further information will be forthcoming. It was moved by Helmick and seconded by Haselow to partner with the Federation of Women's Clubs (Bassett House) to coordinate a Historic Landmarks tour. Landmarks participation was unanimously approved.
- **Discussion and possible action regarding the UWW Royal Purple's request for interviews** – Blackmer has been approached by the Royal Purple to be interviewed relating to the Hamilton House. The newspaper is investigating the underground railroad and the slave tunnels. Dan Richardson expressed appreciation that Blackmer asked permission prior to granting an interview, stating it was the ethical thing to do. It was noted that a Royal Purple article citing comments from Council representative Grady was recently published. Blackmer asked Grady about the article. Blackmer then handed the printed article to Grady and requested an explanation. Councilmember Grady indicated he never granted the Royal Purple an interview, and after reading the article in question, indicated that the reporter apparently took those comments from Council discussion, and not through a personal interview.
- **Discussion and possible action regarding StriveOn app Project regarding Local Landmarks** – Local resident Bill Bowen is working on an electronic app program, "Strive On." Bowen would like Landmarks to be involved, along with the Whitewater Historical Society.
- **Washington Elementary School mural to include Local Landmarks** – Teacher Mareta Hale is working with Washington Elementary School 4<sup>th</sup> graders on a mural, which would include a focus on the Octagon House on Newcomb Street.

### Future Agenda Items - None.

**Adjournment.** It was moved by Helmick and seconded by Haselow to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele Smith



## Whitewater Landmarks Commission

Tuesday, April 10, 2018 – 6:00 PM

Municipal Building, City Manager's Conference Room, 2nd Floor

312 Whitewater Street, Whitewater, WI 53190

### Minutes

#### Call to Order

Call to Order and roll call

Chairperson Blackmer called the meeting to order at 6:00 PM. Richard Helmick was appointed secretary pro-tem. Chris Munz-Prichard was welcomed as the new staff person.

Present: Patricia Blackmer, **Kathy** Brady, Ken Kienbaum, Dan Richardson, Richard Helmick

Staff Present: Chris Munz-Pritchard\_

Others present: Kori Oberle

#### Approval of Agenda

MSC Brady/Richardson to approve agenda as amended to hold Approval of the Minutes of March 1, 2018, at the end of the agenda in order to have Mr. Grady present for discussion.

Ayes: Blackmer, Brady, Kienbaum, Richardson, Helmick

Nays: None

Abstain: None

## **Approval of the Minutes of March 1, 2018**

See below

## **Set date of next meeting – May 3, 2018**

The next meeting of the Landmarks Commission will be held on May 3 at 6:00 PM, in the city manager's conference room, 2<sup>nd</sup> floor, city hall.

(Grady arrived at 6:06 PM)

**Hear Citizen Comments:** No formal Landmarks Commission 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 Commission discusses that particular item.

There were no citizen comments.

## **Reports**

### Status of the Burial Preservation Act (Helmick)

On April 4, AB118 was signed into Law by Governor Walker without any last minute changes. The WI Supreme Court will hear a case on April 17th put forth by a private party to destroy a burial mound on private property. This case was the impetus for the legislative review of the burial sites law which culminated in AB118.

### Effigy Mounds Preserve (Helmick)

The Friends of the Effigy Mounds met on April 4 at the Starin Park Senior Center. Approximately a dozen members attended to hear about this summer's plans for the preserve. Officer elections will be held at their next meeting. Membership is open to all.

### Birge Fountain Committee (Kienbaum)

The Committee is working on new lighting. A meeting will be held tomorrow night at 6:30 at city hall to discuss lighting and pump concerns.

### Progress on Reprint of Brochure (Brady)

A quote was received from Kris Krannenberg for the amount of \$500 for the editing and preparation of the document. The next step will be to secure funding for the editing and printing. The Neighborhoods Services Director, Chris Munz-Pritchard, will see if the Greater Whitewater Committee will help sponsor this project.

### Historic City Owned Property Inventory Tags (Blackmer)

Everything has been completed. Blackmer recognized Dan Buckingham for his valuable assistance.

## **Unfinished Business**

### Effigy Mounds Walk

At this time, the walk is planned for May 19, the 20<sup>th</sup> will be a rain date. The time will be from 1:00 to 3:00 PM. Park and Recreation has been notified of the project. The walk will take place during the day. Volunteers from the Friends group will be available to help conduct the tours.

### Display at Irwin L. Young Library for May Archeological Month/Historic Preservation

The display will focus on the EMP and the recent burns conducted by the city. Other information will be presented to detail where the WEMP is located and why it is an important, city landmark.

### McKay Laboratory report on Birge Fountain and possible meeting (Grady)

Grady requested that it be brought to the next meeting of the BFC. It was noted that the report cost the city 10,000 and is important.

### Good Governance

Cameron Clapper will place this matter on the April 17 city council agenda for discussion.

## Recommendations for Local Landmarks discussion and possible direction

Masonic Lodge has declined to be nominated for landmark status. Oak Grove Cemetery is in the process of being researched. The sexton for the cemetery thinks it would be a good idea. Blackmer will be contacting the cemetery board. Many cemeteries across the country have given landmark status.

## Landmarks Commission and Whitewater Federation of Women's Clubs Historic Tour

The tour is still being planned for June, 2019.

## StriveOn App update

Kathy Fleming, Tourism Committee, has contacted Blackmer to offer her support in writing material for the downtown area. Helmick will try and get a copy of an old brochure to Blackmer.

## **New Business**

### Individual Commission members projects for May

Brady will get a formal estimate for reprinting the brochure.

Kienbaum will report on the Birge Fountain Committee meeting.

Helmick will complete the minutes, get the brochure, assist with the display window.

Richardson continue the photo project

Blackmer will continue research on the Oak Grove Cemetery as a possible Local Landmark, assist with the display window, work with Tourism on written information to be used on the StriveOn app.

### Wisconsin Archeological Society (Archeological Month/May) submission of events

The State of WI historical Society has requested notification of activities that will occur locally to celebrate Archeology Month: the talk and tour on May 9 by Oberle and the library display window will be highlighted.

## Proclamations for Wisconsin Historic Preservation Month and Wisconsin Archeological Month

Munz-Prichard will contact Clapper/Smith to see what steps need to be done to secure a city proclamation.

## Wisconsin Historic Preservation Conferences for 2018

April 27 in Platteville annual meeting of the WI Historical Preservation Commission

Oct 26-27 Hausthoff Resort in Elk Hart Lake conference

### **Approval of the minutes**

Blackmer requested that two items be approved before discussion. These were: In Mr. Aschbrenner's presentation, the new windows need to be identified as being vinyl and that Grady moved the meeting to be held at 6:30 not 6:00 PM.

Commission members gave verbal permission for these changes. Blackmer requested if there was further discussion.

Grady stated that the description of the Royal Purple interview was not complete.

Richardson raised a point of order that no motion has been made so no discussion can be allowed. Blackmer asked that Grady continue so that members would know what Grady wanted written. Discussion followed. Grady moved that his corrections be placed in the minutes. There was no second. The motion died.

### **Future Agenda Items**

UWW will be doing an archeological dig in conjunction with the new dorm being built on campus. The dig will be conducted to determine that there are no burial materials on site.

Oberle reported that the Whitewater Plan Committee, at last night's meeting, discussed amending ordinances to protect neighborhoods. This action is important to the Commission due to historical nature of some of

the buildings in the central area of the city. She suggested that Landmarks stay in contact with Plan Commission to provide informational assistance.

**Adjournment**

Blackmer adjourned the meeting at 6:39 PM.

Respectfully submitted

R. Helmick, secretary, pro-tem

ATTACHMENT TO THE LANDMARKS COMMISSION MINUTES OF 4/10/18

**This attachment is being added as a supplement to the Landmarks Commission minutes of 4/10/2018. Councilmember Grady, who also served as Council representative to the Landmarks Commission, had requested a change to the April 10, 2018 Landmarks Commission minutes. (The Change is requested due to the fact that Grady made a motion, which died for the lack of a second, but the motion was not included in the Landmarks Commission minutes) Landmarks Commission was not willing to adjust their minutes, and this information is being added as a supplement at the request of Councilmember Grady.**

COUNCILMEMBER GRADY HAD ASKED THAT THE SECTION OF THE MINUTES RELATING TO THE ARTICLE IN THE ROYAL PURPLE BE AMENDED TO READ AS FOLLOWS:

- 1. Discussion and possible action regarding the UWW Royal Purple's request for interviews – Blackmer has been approached by the Royal Purple to be interviewed relating to the Hamilton House. The newspaper is investigating the underground railroad and the slave tunnels. Dan Richardson expressed appreciation that Blackmer asked permission prior to granting an interview, stating it was the ethical thing to do. It was noted that a Royal Purple article citing comments from Council representative Grady was recently published. When asked by Grady why this topic was brought before the commission, Blackmer responded that it was brought in light of another interview done by another board member. When pressed by Grady - asked what she was talking about she accused Grady of being interviewed by Royal Purple without Commission approval. Surprised by this Grady stated he did not remember granting the RP an interview Blackmer stated that the article had created a great deal of tension and she asked Grady about the interview and he had granted. Councilmember Grady indicated he never granted the Royal Purple an interview, and after reading the article in question, indicated that the reporter apparently took those comments from Council discussion, and not through a personal interview.*

Landmarks Commission was not willing to make the requested change(s), nor did Landmarks Commission cite the motion made by Grady in their minutes.

**THE CITY CLERK'S OFFICE COMPLETED A TRANSCRIPT OF THE DISCUSSION RELATING TO THIS ITEM, AS FOLLOWS:**

**BLACKMER:** *Asked if there were any other corrections to be made to the minutes*

**GRADY:** *Yes, regarding the discussion about the Royal Purple request for interviews is incomplete There needs to be additional information added to it. I am going to read what I wrote.*

**BLACKMER:** *May I read what's currently written:*

*It was noted that a Royal Purple article citing comments from Council Representative Grady was recently published. Blackmer asked Grady about the article Blackmer then handed the printed article to Grady and requested an explanation.*

*Councilman Grady stated he never granted the Royal Purple an interview and after reading the article in question stated the reporter took those comments from a council discussion and not through a personal interview.*

**BLACKMER:** *Recalls that this is accurate.*

**GRADY:** *There is a feeling, and the reason for the meeting, that the whole thing is not in there – essentially one of the ( unsure of words here). Umm ... Blackmer asked Grady about the article. Blackmer then handed the article to Grady.*

**RICHARDSON:** *POINT OF ORDER – is there a motion on the floor for this discussion? This creates a motion - the way the minutes are written this creates a motion – his objections creates a motion am I correct?*

**BLACKMER:** *A subsidiary motion – yes.*

**RICHARDSON:** *there is no discussion until it is seconded, am I correct?*

**BLACKMER:** *I would prefer to have Mr. Grady proceed with what he wants to make as a correction, and then it would become a subsidiary motion, yes. – Mr Grady proceed.*

**GRADY:** *Ok I have an additional section in there – “when asked by Grady why this topic was brought before the commission, Blackmer responded that it was brought in light of another interview done by another board member. When pressed by Grady – who asked what she was talking about, she (Blackmer) accused Grady of being interviewed by Royal Purple (“RP”) without Commission approval. Surprised by this Grady stated he did not remember granting the RP an interview Blackmer stated that the article had created a great deal of tension and she asked Grady about the interview and he granted blah blah blah same as it ended...” Essentially the reason this entire section was brought up is because you (Blackmer) didn't like the fact that you*

thought that I (Grady) had granted the RP an interview, which went against the agreement we (Blackmer and Grady) had in Cameron's (City Manger's) office that that would not happen, and wouldn't happen any longer – it wasn't even properly noticed in the agenda because the agenda doesn't talk about an article that I wrote . Those two points should be made and have to be made about the article.

Everything I wrote there is exactly what came out of the videotape that I watched again last night. – entirely factual.

**BLACKMER:** I believe that is was on the agenda –

**GRADY:** it was on the agenda to ask for permission to talk to the royal purple, not any article that I may have or may not have an interview for.

**BLACKMER:** It says discussion and possible action regarding UW-W Royal Purple's request for interviews.

**GRADY:** if you want to say it, that's fine. (relating to being properly noticed). The other portion of it I'm sticking to. That needs to be in the history, because historically that is what happened in this meeting

**BLACKMER:** – Mr Grady...

**GRADY:** Essentially what happened is we had Dan (Richardson) and Richard (Helmick) make the statement that it was – they said it was unethical. They thought it was very ethical of you to ask permission to talk to the Royal Purple, then within two minutes you (Blackmer) were telling me (Grady) that I had granted the Royal Purple an interview which essentially was saying the opposite.

**BLACKMER:** –I would prefer to say that I asked you; that I didn't intimidate or intimate that you did it. I asked you (Grady) if you (Grady) did it and there's a huge difference –

**GRADY:** that is not the way it was worded in ....

**BLACKMER:** If there is anything in quotation marks in what you wish to have corrected in the minutes, that doesn't stand in Roberts Rule of Orders ..Quotations are not to be cited in minutes. Furthermore minutes are not a verbatim reporting of what has occurred. It is a recording of what has been done and the way the minutes ....

**GRADY** - and the way in which it was done...

**CHRIS MUNZ PRITCHARD (Neighborhood Services Director and Staff Liaison)** – So I know I shouldn't talk as the staff member .

**GRADY:** yes you should –

**MUNZ PRITCHARD:** but if it makes you feel better the way that this reads right now when she handed you the paper and then you stated your case, it does read like that. I mean for the way it makes you feel better.

**GRADY:** *The point is when I was sitting here I felt accused of unethical behavior. I was told that I gave an interview to the Royal Purple which was untrue –*

**BLACKMER:** *You were not told –*

**GRADY:** *Yes I was – watch the video -*

**BLACKMER:** *You were asked*

**GRADY:** *watch the video –*

**MUNZ PRITCHARD:** *So.... but she does – she printed it out and she brought it to you and I think then - that I think it's clear you're like – I think it's clear you (Grady) didn't do it from this - like I (Munz-Pritchard) can tell (from the minutes) you didn't do it. And that's what I think is really important for the record showing that you were not – you (Grady) did not give an interview.*

**GRADY:** *It does not state - the way is in written in there - I was accused of unethical behavior and the net effect of what happened- and it is not in there.*

**BLACKMER:** *you were certainly not accused of unethical behavior.*

**GRADY:** *– that is not the feeling I got sitting here.*

**BLACKMER:** *your personal opinion cannot enter into minutes - the minutes have to be a record of what was done – not your feelings. You are making a supposition and because you're making a supposition –*

**GRADY:** *but if Michele (City Clerk) was here she would agree with me- she agreed that everything that happened there was not done well – it was not really properly referenced in the agenda – had you (Blackmer) called me (Grady) and asked me about it, we could have settled it without even having it go on into the meeting but you didn't do that, contrary to what your agreement with me (Grady) and Cameron (City Manager) was when we sat in his – in this room right here.*

**BLACKMER:** *this um – because of the length of this because of the involvement and the content of this particular direction, this becomes a subsidiary motion and it requires a second in order to make the correction in the minutes.*

**HELMICK:** *are you - who's bringing the motion forward?*

**HELMICK:** *Chris (Grady) are you bringing the motion forward?*

**GRADY:** *– Yes...*

**BLACKMER:** *It has been moved that the corrections that Mr Grady – Mr Grady is moving the corrections he wishes to add to the minutes as read, and they're so lengthy I can't recall the exact verbage, but we can certainly give that to Richard (Helmick as Landmarks secretary) - do I have a second? (No second to the motion occurs). I'm sorry because there is no second – your motion....*

**GRADY:** – just to let you know I will be taking this up the chain of command - I do not accept this – this is not - the minutes need to reflect what happened in the meeting and the feeling of what happened in the meeting – not just what you want to show.

**BLACKMER:** there can be no discussion after a motion –

**GRADY:** That's fine – I'm just letting you know.....



## Landmarks Commission

### MINUTES

**Whitewater Landmarks Commission**

**Thursday, May 3, 2018 – 6:00 PM**

**Municipal Building, City Manager's Conference Room, 2<sup>nd</sup> Floor  
312 Whitewater Street, Whitewater, WI 53190**

#### Call to Order

- Call to Order and roll call. Welcome to new Commission member.  
Chairperson Blackmer called the meeting to order at 6:04 PM. On behalf of the Landmarks Commission, she welcomed Jimmy Schulgit as the City Council Representative to the Commission replacing Chris Grady.  
Present: Patricia Blackmer, Suzanne Haselow, Ken Kienbaum, Dan Richardson, Jimmy Schulgit, Richard Helmick  
Absent: Kathy Brady  
Staff: Chris Munz-Pritchard  
Others present: Cameron Clapper
- Good Governance Manual (City Manager Cameron Clapper)  
Clapper distributed the latest iteration of the Good Governance Manual. He led the Commissioners through a quick over view of the manual. Discussion ensued.  
(Clapper left the meeting at 6:15 PM)
- Approval of Agenda  
MSC Schulgit/Haselow to approve the agenda as posted.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Approval of the Minutes of April 10, 2018  
MSC Schulgit/Haselow to approve the minutes of April 10, 2018 as presented.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Set date of next meeting – June 7, 2018  
The next meeting of the Landmarks Commission will be held on June 7, 2018 at 6:00 PM in the City Manager's Conference Room.

- **Hear Citizen Comments:** No formal Landmarks Commission 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 Commission discusses that particular item. There were no citizen comments.

## **Reports**

- **Status of the Burial Preservation Act (Helmick)**  
There is no action to report at this time. On April, 17, 2018, the WI Supreme Court met to deliberate on a case brought forth by Wingra Sand and Gravel to rescind the protection against destroying an effigy mound on its property. There has been no reported decision as yet.
- **Effigy Mounds Preserve (Helmick)**  
On May 9, 2018, at 5:30, the Friends group will sponsor a program on the Effigy Mounds Preserve at the Irvin Young Library followed by a guided tour of the Preserve. The program will be presented by Kori Oberle. On May 19, 2018, from 1:00 – 3:00, the Friends of the Effigy Mounds will co-sponsor with the Landmarks Commission walking tours of the Effigy Mounds Preserve.
- **Birge Fountain Committee (Kienbaum)**  
No update at this time. The fountain has been turned on. From casual observation, it appears that the fountain has an uneven spray pattern. Richardson asked if the cherubs were going to be painted. There is no knowledge of this at this time. Another meeting of the Committee has not been posted. Kienbaum stated earlier decisions to power wash the basin with some spot sanding where needed. Then two coats of urethane will be applied followed by a coat of brown paint. The leaves on the fountain will have green and gold paint accents.
- **Progress on Reprint of Brochure (Brady/Munz-Pritchard)**  
Munz-Pritchard will follow up with Brady. Richardson has written copy and produced photos.

## **Unfinished Business**

- **Effigy Mounds Walk: May 19, 2018, 1:00-3:00 PM.**  
Commissioners were encouraged to attend. Docent volunteers will be available to guide tours. No sign up will be required for people interested in a tour.
- **Display at Irwin L. Young Library for May Archeological Month/Historic Preservation**  
The window display was installed on May 1. It displays information on the Effigy Mounds Preserve.
- **Recommendations for Local Landmarks discussion and possible direction**  
Research on the Oak Grove Cemetery is ongoing. Calvary Cemetery will need permission from the Catholic Church in order for research to go forward. Calvary Cemetery is only one of two in the entire country that is located on a college campus. Calvary is still being used as an active cemetery.
- **Wisconsin Archeological Society submission of events**  
Blackmer submitted information on the events sponsored by the Landmarks Commission here in Whitewater to the Wi His Soc. These included the display window at the Irvin Young Library, Oberle's presentation, and the tours of the Effigy Mounds Preserve. Blackmer distributed information on training webinars presented by WI Historical Society.
- **Proclamations for Wisconsin Historic Preservation Month and Wisconsin Archeological Month**  
Munz-Pritchard will follow up with Michele Smith for the appropriate wording and place the presentations on the City Council Agenda for May 15.

## **New Business**

- Individual Commission members projects for June  
Kienbaum – Birge Fountain  
Richardson – photography  
Haselow – November full moon walk  
Helmick – minutes  
Blackmer – Oak Grove nomination; contact St Patrick’s Church regarding Calvary Cemetery;  
annual report  
Munz-Prichard – research on possible ordinance change; brochure; UWW proclamation
- Research packet regarding Oak Grove Cemetery as a possible Local Landmark  
No report at this time.
- Tax credits for historic rehab projects  
Tax credits were not cut by the state. Instead, the state has increased the available funds to 3.5 million dollars.
- 2017 Annual Landmarks Commission Report to City Council  
Hopefully, this will be on the May 15 City Council meeting. This must be done in accordance with the State Historical Society in order to retain our CLG status.
- Election of Officers  
Haselow/Helmick MSC to appoint Blackmer as chair;  
Helmick/Haselow MSC to appoint Kienbaum as vice chair  
Haselow/Schulgit MSC to appoint Helmick as secretary  
Helmick/Schulgit to appoint Blackmer as the Landmarks’ representative on the Birge Fountain Commission.  
Schulgit/Haselow to approve the proposed slate of candidates.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Discussion and possible action on proclamation regarding UW-Whitewater’s 150<sup>th</sup> Anniversary  
Blackmer asked Munz-Prichard to research wording for a proclamation.

## **Future Agenda Items**

None at this time.

## **Adjournment**

MSC Schulgit/Haselow to adjourn the meeting.

Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick

Nays: None

Abstain: None

Meeting was adjourned at 7:10 PM.

Respectfully submitted,  
R. Helmick, secretary



## Landmarks Commission

### Minutes

**Thursday, June 7, 2018 – 6:00 PM**

#### Call to Order

Call to Order and roll call

Chairperson Blackmer called the meeting to order at 6:01 PM.

Present: Patricia Blackmer, Suzanne Haselow, Kathy Brady, Ken Kienbaum, Dan Richardson, Richard Helmick,

Absent: Jimmy Schulgit,

Staff present: Chris Munz-Pritchard

Others present: Kori Oberle

#### Approval of Agenda

MSC Richardson/Haselow to approve the agenda as published.

Ayes: Blackmer, Haselow, Brady, Kienbaum, Richardson, Helmick

Nays: None

Abstain: None

#### Approval of the Minutes of May 3, 2018

MSC Haselow/Brady to approve the minutes of May 3, 2018 as written.

Ayes: Blackmer, Haselow, Brady, Kienbaum, Richardson, Helmick

Nays: None

Abstain: None

Set date of next meeting – July 5, 2018 (to be determined by Commissioners)

The next meeting of the Whitewater Landmarks Commission will be held on July 5, 2018.

Hear Citizen Comments: No formal Landmarks Commission 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 Commission discusses that particular item.

Brady, acting as a private citizen, read a letter she received as a Franklin St resident from Fairhaven Senior Services concerning parking along Franklin St. Fairhaven is proposing creating parking on property they own on Franklin St. Brady brought this issue to attention of the Landmarks Commission for its knowledge.

## **Reports**

Status of the Burial Preservation Act/ Update on WI Supreme Court Decision (Helmick)

Wingra Redi-Mix wanted to excavate burial mounds within its quarry near McFarland. The mounds are on the Wisconsin Historical Society's burial sites catalog, which meant Wingra needed a permit to dig on catalogued grounds. The state Division of Hearings and Appeals denied the company's request for one, prompting a legal battle with the state. Last summer, the 4th District Court of Appeals upheld the DHA decision. On May 22, 2018, the state Supreme Court upheld the appellate court's decision. For additional information on this case, please refer to Case Law Update, May 31, 2018 at [www.wisconsinplanners.org/learn/law-and-legislation](http://www.wisconsinplanners.org/learn/law-and-legislation).

Effigy Mounds Preserve (Helmick)

On May 19, 2018, a tour of the EMP cohosted by the Friends of the Effigy Mounds and the Landmarks Commission was conducted. See below for more information.

A monthly condition reports are being sent to the city's park director in accordance with the Park and Rec Board's adopt-a-park plan.

The annual meeting of the friends group was held on June 6, 2018. Members created 8-10 areas of interest which may be developed into small, subcommittees.

On June 21 and June 28, 2018, tours and learning activities will be presented to 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> grade students attending summer school in the Whitewater.

Birge Fountain Committee (Blackmer)

The Committee has not met. It is Blackmer understanding that the fountain will be shut down and painted before the July 4<sup>th</sup> celebration. Work is planned to be done on the water pump to balance the flow from the fountain jets in the upper and lower basins.

Report on Possible Signage for corner of Jefferson and Starin Rd. (Kienbaum)

Munz-Pritchard discussed this with the Park and Rec Director. Her understanding is that signs will be put up describing the historic aspects of the property. The Landmarks Commission will assist in developing the design and language for the signs.

Progress on Reprint of Brochure (Brady/Munz-Pritchard)

More content cannot be added to the format without deleting some of the information that is already there. Some proposed alternatives were given. Discussion ensued. Blackmer appointed Brady, Richardson, Helmick, and herself to be on a subcommittee to develop a direction to include the additional information.

#### Theft and Vandalism to Local Landmark (Bassett House Board/Kori Oberle)

Oberle, as a member of the board of directors at Bassett House, displayed photos of the damage. Damage was done to the sign and the porch area where it was secured. Oberle reported how the violator was discovered. A fine of \$250 and restitution of \$250 was levied against him. Munz-Pritchard reminded Oberle to pull a sign permit from the city before the sign is remounted.

#### Report on Effigy Mounds Walk: May 19, 2018 (Haselow/Blackmer)

About 21 people attended the walk. The walk lasted 1.5 hours. Participants raised a number of questions which led to several discussions.

### **Unfinished Business**

#### Display at Irwin L. Young Library for May Archeological Month/Historic Preservation

Blackmer reported that the display was taken down. She thanked the Friends of the Effigy Mounds for their assistance with the project.

#### Recommendations for Oak Grove Cemetery as a Local Landmark discussion and possible direction

Blackmer would like to move forward with the nomination. The cemetery association has agreed to the nomination for Landmark status. Some more research, especially securing accurate dates, will be completed. Blackmer shared some of the historical information on individuals buried there. Blackmer asked for a motion to continue. MSC Brady/Haselow to continue procedures to nominate the Oak Grove Cemetery for Landmark status.

Ayes: Blackmer, Haselow, Brady, Kienbaum, Richardson, Helmick

Nays: None

Abstain: None

#### Proclamations for Wisconsin Historic Preservation Month and Wisconsin Archeological Month

The proclamations will be filed at city hall. Munz-Pritchard will place a reminder of this activity on the city's calendar for 2019.

### **New Business**

#### Individual Commission members projects for July/August

Blackmer: Oak Grove Cemetery, brochure

Haselow: November walk

Brady: Brochure

Kienbaum: Signage for land adjacent to the dog park

Richardson: Brochure

Helmick: Minutes, brochure

Bassett House (exterior signage replacement/possible exterior wiring for security discussion and possible action)

(Blackmer excused herself from discussion on this item due to a conflict of interest. Kienbaum accepted temporary chair of the Commission.)

Oberle presented a digital photo of a proposed, new sign for Basset House. The sign will be mounted in the same area as the old one. Additionally, she described a new electrical service to a dusk to dawn light that is on the west side of the building. An additional dusk to dawn light is also proposed to the rear of the building. Replacement of sensor motion lights on the front and east porches are also proposed. She also asked permission to replace the east porch sign with a similar sized sign.

Oberle presented a possible electrical line to be installed on the outside of the building to facilitate rewiring of the 2<sup>nd</sup> floor. The contractor, Delta Electric, will be securing any needed permits from the city.

MSC Haselow/Brady to give permission to the Whitewater Women's Club to installed requested signage and electrical upgrades.

Ayes: Haselow, Brady, Kienbaum, Richardson, Helmick

Nays: None

Abstain: None

(Blackmer resumes as chair.)

STEM Kit: Summer Adventure Kit project for public library

Blackmer had received an email from the library which requested information and materials to be used in a STEM Kit (instructional packet). The kit and packet information was developed by Blackmer and given to the library for its use this summer. She presented and explained the material in the kit.

Discussion and possible action on increase in fines to National/State Register and Local Landmark structures (Schulgit)

Schulgit had requested that this item be discussed at a council meeting. Blackmer had written a letter to the municipal court requesting that special attention be given to local landmarks by the Municipal Court and the highest fines be levied on vandalism to Landmarked properties. Munz-Pritchard suggested that an ordinance change would be the best way to accomplish added protections. She will consult with the city's attorney. If an ordinance change is made, it would have to appear in a number of different places within the city's ordinances. Oberle would like the Landmarks Commission to encourage higher fines as a way to discourage

vandalism. Restitution to the owner of the property needs to be carefully reconsidered.  
Discussion ensued.

Oberle pointed out that there is no system to inform the Landmarks Commission that an incident had occurred to city owned, landmark property. Munz-Pritchard will develop a system to accomplish this. Brady offered an example of how the State of Louisiana handles vandalism to its historic buildings.

### **Future Agenda Items**

November walk at the Effigy Mounds Preserve

Ordinance changes to increase protection of Landmarked properties

### **Adjournment**

Meeting adjourned 7:32 PM

Respectfully submitted

R. Helmick, secretary



## Whitewater Landmarks Commission

### MINUTES

Thursday, July 5, 2018 – 6:00 PM Municipal Building

City Manager's Conference Room

2nd Floor 312 Whitewater Street, Whitewater, WI 53190

#### Call to Order

- Call to Order and roll call  
Chairperson Blackmer called the meeting to order at 6:13 PM.  
Present: Patricia Blackmer, Suzanne Haselow, Ken Kienbaum, Dan Richardson, Richard Helmick  
Absent: Kathy Brady, Jimmy Schulgit  
Staff present: Chris Munz-Pritchard  
Others present: Kori Oberle, Brad Morton
- Approval of Agenda  
MSC Helmick/Haselow to approve the agenda as posted  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None
- Approval of the Minutes of June 7, 2018  
MSC Richardson/Haselow to approve the minutes of June 7, 2018  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None
- Set date of next meeting – August 2, 2018  
The next meeting of the Landmarks Commission will be held on August 2, 2018 in the City Manager's Conference Room, City Hall.
- Hear Citizen Comments: No formal Landmarks Commission 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 Commission discusses that particular item.  
There were no citizen comments.

## Reports

- Effigy Mounds Preserve (Helmick)
  1. The Friends of the Effigy Mounds conducted an informative class on the Whitewater Effigy Mounds Preserve followed in the following week by a tour of the Preserve. The class was for middle school students attending summer school at the Whitewater Area High School.
  2. A monthly, report on the condition of the Preserve was prepared and sent to the Park & Rec. Director. A number of maintenance items needing to be undertaken were indicated.
- Birge Fountain Committee (Blackmer)

The Committee has not met. The fountain has been painted and reassembled with better water pressure to both basins.

## Unfinished Business

- Brochure reprint (committee will meet in July)

The committee is planning to meet in July.
- Commission review of packet for Oak Grove Cemetery as a Local Landmark and proposed date for hearing  
Blackmer distributed the draft Nomination Form and noted historical information.  
MSC Haselow/Kienbaum to move ahead with the nomination of the Oak Grove Cemetery for Landmark status.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None  
The next step in the process will be to notify the city clerk so she can notify adjacent landowners of the pending nomination. Once notification has been sent, the Landmarks Commission will hold a hearing to formally adopt the property as a city landmark.
- Discussion and possible action on increase in fines to National/State Register and Local Landmark structures (Munz-Pritchard)  
Munz-Prichard distributed proposed language to change the city's ordinances effecting landmarked properties. She explained the information for the commissioners. Additionally, she had discussions with the city police to help them recognize which properties in the city are landmarks. Blackmer suggested that the commission wait until Schulgit can attend the Landmarks Commission meeting before further action be taken. Discussion ensued. Oberle pointed out that the proposed language does not include any reimbursement to the property owners at the municipal court. Munz-Pritchard has begun researching this and has planned to talk with the city manager. At this time, she believes reimbursement to individual property owners will be a policy decision. Richardson pointed out some inconsistencies in the fines/punishments throughout the draft. Munz-Pritchard will correct these for the next meeting.
- Historic Home/Building Tour sponsored by the Landmarks Commission/Whitewater Federation of Women's Clubs

Oberle reported that a planning meeting will be held on July 17 at 9:30 AM at the Sweetspot. The tour is planned as a fundraiser for the Basset House. Downtown Whitewater Inc. may be interested in partnering with the group in order to promote downtown properties. Additionally, the Whitewater Arts Alliance is also interested in partnering in this project. A possible date being considered for the tour is June 23, 2019.

- Effigy Mounds Walk in November (Haselow)  
The full moon is on Thanksgiving. Discussion ensued on other, possible dates. Saturday, May 18, 2019 was suggested as a possible alternative.

### **New Business**

- Individual Commission members projects for August  
Blackmer: complete the nomination form for the Oak Grove Cemetery and contact the city clerk to alert adjacent property owners; have notification of the Historic Tour posted on the city web site  
Haselow: develop details for the Effigy Mounds walk  
Kienbaum: nothing  
Richardson: brochure committee; more pictures of historic homes and neighborhoods  
Helmick: complete the July minutes  
Munz-Pritchard: changes to ordinance, meeting at Sweetspot
- Discussion of Downtown Whitewater's banner project for Main Street light poles and Landmarks Commission possible involvement in project  
Oberle explained banner project being developed by Downtown Whitewater Inc. She displayed some image mock ups of suggested banners for illustration. She suggested that the light poles along Main Street from Franklin to Prairie Streets be hung with banners that highlighted the area as a historical district. An estimate cost for the banners is \$2000. Discussion ensued.  
Blackmer asked for a motion to continue with this project.  
MSC Helmick/Kienbaum to proceed with the banner project for the Main Street Historic District.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None
- Approval of letter of congratulations and thanks to Chuck Nass on his retirement from the DPW.  
Blackmer showed the Commission a copy of the letter.  
MSC Helmick/Haselow to approve the letter.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None
- Sale of the Starin Mansion  
Blackmer showed the Commission a copy of a letter to be sent to the new owners.  
MSC Helmick/Richardson to approve the letter.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Helmick  
Nays: None  
Abstain: None

### **Future Agenda Items**

Banner Project

Nomination

Ordinance changes

EMP walk

Tour

Webinars on historic preservation

WI State His conference in October

**Adjournment**

Meeting adjourned at 7:32 PM

Respectfully submitted

R. Helmick, secretary



Whitewater Landmarks Commission

**MINUTES**

Thursday, August 2, 2018 – 6:00 PM

**Call to Order**

- Call to Order and roll call  
Chairperson Blackmer called the meeting to order at 6:00 PM.  
Present: Patricia Blackmer, Suzanne Haselow, Ken Kienbaum, Dan Richardson, Jimmy Schulgit, Richard Helmick  
Absent: Kathy Brady  
Staff present: None  
Others present: None
- Approval of Agenda  
MSC Richardson/Haselow to approve the agenda as posted.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Approval of the Minutes of July 5, 2018  
MSC Schulgit/Haselow to approve the minutes as posted.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Set date of next meeting – September 6, 2018  
The next meeting of the Whitewater Landmarks Commission will be held on September 6, at 6:00 PM. The site will be announced at a future date.
- Hear Citizen Comments: No formal Landmarks Commission 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 Commission discusses that particular item.  
There were no citizen comments.

## Reports

- Effigy Mounds Preserve (Helmick)
  - The Friends of the Effigy Mounds Preserve held a work meeting on 08-01-18. The focus of the meeting was to train additional tour guides and develop a quarterly newsletter.
  - A monthly report on the condition of the Preserve will be sent to the Park and recreation Director as specified under the city's Adopt-a-Park plan. Several maintenance issues are still needed to be addressed.
- Birge Fountain Committee (Blackmer)

There has been no meeting of the Birge Fountain Committee. The fountain has been painted and is looking nice. It is not known if the lighting for the fountain is being addressed.
- Report on Possible Signage for corner of Jefferson and Starin Rd. (Kienbaum)

Chris Munz-Pritchard and Kienbaum have worked on developing signage. It was suggested that an appointment be made with library staff to review possible photos of the old foundry for use in the signage. Haselow commented on historical, city maps that could be used if wanted. Discussion ensued. Kienbaum will continue his research.
- Wisconsin Historical Society Preservation Webinars (Richardson)

Two webinars specific to preservation ordinances for municipalities were conducted. Interestingly, not many communities in WI have achieved CLG as has Whitewater. To access the webinar, go to the WI Historical website.

## Unfinished Business

- Brochure reprint (committee will meet in July)

No report. A meeting still must occur.
- Hearing to designate Oak Grove Cemetery as a Local Landmark  

The city clerk is following the procedures set by city ordinance to make the designation. It is anticipated that the hearing will be held during the regular, September meeting of the Landmarks Committee.
- Discussion and possible action on increase in fines to National/State Register and Local Landmark structures (Munz-Pritchard/Schulgit)  

A proposed ordinance was passed out. Thanks were extended to Schulgit for proposing this change in the ordinance. Richardson questioned why the fines were the same for the first and second offenses. Helmick raised the issue of restitution to the property owners. These two issues will be brought to CMP for discussion by Blackmer before the proposed ordinance is brought to the city council.
- Historic Home/Building Tour sponsored by the Landmarks Commission/Whitewater Federation of Women's Clubs  

Tour plans are in process. Representatives from the Irvin Young Library, The Whitewater Arts Alliance, Downtown Whitewater Inc., the Whitewater Federation of Women's Clubs and the Landmarks Commission are involved in the planning. June 23,

2019 has been set as the date for the tour. The next meeting of the planning group will be August 21, 2018 at 9:30 at the Basset House.

- Effigy Mounds Walk in May (Haselow)  
The date for the walk has been set for Saturday, May 18, 2019. Twilight on that date will begin at 4:00 PM. Starting time will be at 7:30 PM. Letters to the neighbors advising them of the activity will be sent. It is possible that younger children will be supplied with small, glow sticks. The Friends of the Effigy Mounds Preserve need to be contacted to see if they will help supervise/tour the walk.
- Discussion and possible action on Main Street Historic District Banner Project  
Downtown Whitewater Inc. is developing banners for the light poles along Main Street. The Chair of the DTWW design committee has suggested that the Landmarks Committee may want to develop banners for the Historic District on Main Street from Prairie to Fremont. Munz-Pritchard is researching possible funds to help offset the cost. The projected cost is \$2000. Various designs were discussed.

### **New Business**

- Individual Commission members projects for September  
Blackmer: Local Landmark Designation; meet with the Cemetery Association to research a possible grant for maintenance at Oak Grove; discuss ordinance CMP  
Haselow: Effigy Mounds Walk  
Brady: Set a meeting for the brochure  
Kienbaum: Signage development for Jefferson and Starin  
Richardson: Brochure development  
Helmick: Minutes; Downtown Whitewater Design - banners
- 2018 Wisconsin Historical Society 12th Annual History and Historic Preservation Conference  
Richardson and Blackmer will be attending. Possible funding is available for one more Commission member to attend.

### **Future Agenda Items**

- Banner project
- Ordinance
- Review April, 2018 minutes

### **Adjournment**

Blackmer adjourned the meeting at 7:07 PM.

Respectively submitted,

R. Helmick, Secretary



# Landmarks Commission

## Minutes

Thursday, September 6, 2018

Municipal Building, Community Meeting Room, 1<sup>st</sup> Floor

312 Whitewater Street, Whitewater, WI 53190

### Call to Order

- Call to Order and roll call  
Chairperson Blackmer called the meeting to order at 6:03 PM.  
Present: Patricia Blackmer, Suzanne Haselow, Ken Kienbaum, Dan Richardson, Jimmy Schulgit, Richard Helmick  
Absent: Kathy Brady  
Staff present: Chris Munz-Pritchard  
Others present: John Sobolewski, Celia Sobolewski, Kori Oberle
- Approval of Agenda  
MSC Schulgit/Haselow to approve the agenda as posted.  
Ayes: Blackmer, Haselow, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Approval of the Minutes of August 2, 2018  
MSC Schulgit/Haselow to approve the minutes of August 2, 2018 as posted.  
Ayes: Blackmer, Brady, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None
- Set date of next meeting – October 4, 2018

The next meeting of the Whitewater Landmarks Commission will be held on October 4, 2018 at 6:00 PM.

- Hear Citizen Comments: No formal Landmarks Commission 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 Commission discusses that particular item.

There were no citizen comments.

- **PUBLIC HEARING: OAK GROVE CEMETERY AS A LANDMARK SITE**

Blackmer introduced the nomination and cited the reasons for its nomination, all of which are cited in the Nomination Form, available to the Public on the city's web site.

MSC Schulgit/Haselow to approve the nomination of the Oak Grove Cemetery as a Whitewater City Landmark.

Discussion: John Sobolewski asked if this nomination would help provide for future cemetery upkeep, noting things there look unkempt. Blackmer responded that the nomination would not provide any funding for the cemetery. The cemetery foundation has been low on funds. Blackmer plans to share with the Whitewater Cemetery Foundation information on possible grants that may be available to use for upkeep of the grounds. Sobolewski pointed out that there are a high number of veterans buried in the cemetery and asked if it could be a military cemetery. Haselow responded that despite the number of veterans buried there, it is not an officially declared, military cemetery. Haselow asked when the name of the cemetery had been changed. When first created, it had been called Grove Cemetery. Blackmer believes that the name was changed to Oak Grove Cemetery when the entrance gate was created. She suggested this may have been due to the oaks that were growing there at the time and were not present originally.

Blackmer called the question and asked for a roll call vote.

Blackmer – aye

Haselow – aye

Kienbaum – aye

Richardson – aye

Schulgit – aye

Helmick – aye

Blackmer will forward the nomination to the City Council for their approval.

## Reports

- Effigy Mounds Preserve (Helmick)  
No report.
- Birge Fountain Committee (Blackmer)  
Blackmer stated that the Birge Fountain Committee has not met. She noted that the Fountain was not operating for part of last week due to an electrical breaker that had been tripped. It is now functioning again. Blackmer mentioned that Oberle had suggested information on the historical landmarks of Whitewater should be recorded for public awareness and education. Partly as a result of this suggestion, a video program highlighting the “Gems of Whitewater” is being created. Blackmer showed a video of the Birge Fountain as an example of this project. The public will be able to view this video through the Landmarks Commission page on the city’s web site.
- Report on Possible Signage for corner of Jefferson and Starin Rd. (Kienbaum)  
Kienbaum is still compiling research. He reported that the area was originally a brickyard with three main, underground tunnels that are still buried under the site. He has some photos he will be presenting in his report as well. Blackmer stated that a joint project between the city and Landmarks Commission will provide educational signage.

## Unfinished Business

- Brochure reprint  
No report.
- Discussion and possible action on Ordinance to increase fines to National/State Register and Local Landmark structures (Munz-Pritchard/Schulgit)  
Schulgit reported that at the last Council meeting, the council referred several questions on proposed ordinance changes covering fines back to staff for more study. Oberle, speaking on behalf of the Whitewater Women’s Federation, highlighted the need for better deterrents against vandalism and theft on city landmarks. She reported that another theft on the property known as the Basset House, a city landmark, has occurred. A US flag that had been mounted on the front porch of the house has been stolen. This has been reported to the police who have made some suggestions for heightened security. Blackmer again thanked Schulgit for suggesting a review of fines regrading Landmarked properties.

- Historic Home/Building Tour sponsored by the Landmarks Commission/Whitewater Federation of Women's Clubs Update  
Oberle and Blackmer as co-chairs of the Tour, are working together with several other city organizations in preparing for its presentation on June 23, 2019. Several Landmarked properties will be opened to the public during the tour. Those that are not, will have representatives available nearby to give historical information.
- Effigy Mounds Walk in May (Haselow)  
Haselow reported that on May 18, 2019 there is a full moon. However, since the program will be starting earlier in the evening, the moon will most likely not be seen. It will not be very dark when the program starts. She asked for clarification whether or not the tour will be self-guided or have volunteers available as docents. Blackmer suggested that this be brought back at the October meeting for further discussion. Haselow commented if glow sticks were to be available for the children, they would need to be at least 6 inches long. She said a 30-pack of them costs about \$16 and that 60 sticks would be enough. She also suggested that the Commission have bug spray available for use by participants.
- Discussion and possible action on Main Street Historic District Banner Project  
Munz-Pritchard asked Oberle to come and discuss the project with the Commission. Oberle is Chair of the Design Committee for Downtown Whitewater Inc. (DTW). DTW is in the process of ordering new banners for downtown to be placed on the light poles. She suggested that the Commission could piggy back its banners on the DTW project. Timeline for this is aimed for the month of May, 2019. There are 30 light poles with attachments for banners from Prairie to Fremont Streets. The Commission may not need to order banners for each light pole depending on how far down Main Street it would want to go with them. There is a \$60 set up fee plus the actual printing costs. Blackmer asked for a motion. Schulgit/Haselow moved that a subcommittee be appointed to decide on the type and number of banners to be used.  
Ayes: Blackmer, Brady, Kienbaum, Richardson, Schulgit, Helmick  
Nays: None  
Abstain: None  
Blackmer appointed Munz-Pritchard, Helmick and herself to the committee.
- 2018 Wisconsin Historical Society 12th Annual History and Historic Preservation Conference  
The conference will be held October 26-27 at the Osthoff Resort in Elkhart Lake. Richardson and Blackmer will be going and will pay for their own stay and registration. There are funds available from the city for one more person's registration. If anyone is interested contact Blackmer or the city's clerk.

- Request to Review Meeting Minutes of March, 2018 and possible action  
Chris Grady has requested that the minutes be reviewed and revised. Blackmer referred to a written summation supplied to the Commission by Michelle Smith, the City Clerk, in coordination with Mr. Grady. The summation states Grady's request. Blackmer then referred to a transcription of the last meeting that Grady had attended in which this topic was discussed. Blackmer referred to her statement at the time of that meeting referring to Roberts Rules of Order. Haselow asked if she were allowed to speak on this because she was not at the April meeting. Blackmer said that the action in question occurred at the March meeting at which Haselow was present. Haselow said she listened to the audio recording of what transpired and that there is a difference between the audio recording and the phrasing from the summation which we have been given. Discussion ensued on how personal opinions should be handled under Roberts Rules of Order. Blackmer objected to the term "accused" used in the summation. She did not accuse Mr. Grady but rather "asked." She would be more comfortable if that change would be made. Haselow does not believe the reference to an interview of another Commissioner is accurate. Kienbaum agreed with Haselow. Blackmer said the Commission's options are to leave the minutes as posted, take the summation and insert them, or take an edited portion of them for insertion. Haselow said she would be more comfortable taking just a portion of it. Richardson said that the minutes have been approved as written and there is no reason to change them at this point. Kienbaum believes the minutes should be left as they were written. Kienbaum continued saying no one accused Grady of anything. There was no personal attack. Munz-Pritchard suggested that the word "asked" be used instead of "accused." Haselow suggested in the spirit of peace we change this. Schulgit asked if an edited version would just result in yet another occurrence of disagreements. Blackmer speculated if the wording supplied by Grady is not followed, there would be continuing disagreement. Richardson said this is a total waste of time. He is sick of this and encouraged the Commission to just let it go. Oberle suggested that the Commission act as historians by including Grady's verbiage unchanged in tonight's minutes if nowhere else. Munz-Pritchard noted that is what other committees do when faced with this situation. Richardson again said Grady is not even here to discuss his view of events. This is wasting our time. Kienbaum again stated that no one accused Mr. Grady of any particular thing. Kienbaum thinks nothing should be changed in the previous minutes. Haselow/Helmick moved that the March minutes be left as written and Grady's written comments be placed in tonight's minutes. Blackmer asked for a roll call vote.  
Blackmer – no  
Haselow – yes  
Kienbaum – no  
Richardson – no

Schulgit - no

Helmick – yes

The motion failed. No other motion was presented. The March minutes will stand as written.

## New Business

- Individual Commission members projects for October  
Kienbaum – signage project.  
Munz-Pritchard – banner project; ordinance changes on fines; Tour; banners.  
Haselow – walk.  
Richardson – photo project; brochure  
Helmick – minutes; banner; brochure  
Blackmer – banner, signage for Pratt Institute, Tour, brochure
- Whitewater Historical Society, Pratt Institute and Landmark Commission Project Proposal for Signage at former Morris Pratt Institute site.  
Blackmer said this was brought during a discussion on the tour project. Carol Cartwright suggested that the former location of the Pratt Institute on the corner of Center and Fremont Streets be recognized with some signage placed at or near the corner. The Pratt Institute has been contacted and is willing to finance the signage. The Landmarks Commission would need to obtain permission from City Council to place the sign, most likely on the terrace which is city property. Blackmer will investigate and come back to the October meeting with more information.
- 2019 Wisconsin Historical Society 13th Annual Preservation Conference  
The Conference will be held at the Grand Geneva Resort in Lake Geneva. Blackmer suggested that the Commission become an integral part of this with some presentation. She will obtain more information on this for discussion at next month's Landmarks Commission meeting.
- Certified Local Government Historic Preservation Commission Survey  
Munz-Pritchard and Blackmer will complete a survey designated for Certified Local Governments. Based on the survey results and feedback, a day long training workshop for commissions may be developed. The survey is being conducted by the Wisconsin State Historical Society Preservation Commission in conjunction with the University of Wisconsin Survey Department.
- Suggested sites/structures to be designated as Local Landmarks  
Oberle announced that she will be preparing a nomination for the Territorial Burr Oak near the corner of Franklin and Main Streets as a local landmark. It needs to have its location marked so it is not lost or forgotten.

Future Agenda Items

None were offered.

Adjournment

Blackmer adjourned the meeting at 7:21 PM.

Respectfully submitted,

R. Helmick, secretary



## Landmarks Commission

### AGENDA

Thursday, October 4, 2018 – 6:00 PM

Municipal Building, City Manager's Conference Room, 2nd Floor

312 Whitewater Street, Whitewater, WI 53190

#### Call to Order

- Call to Order and roll call  
Chairperson Blackmer called the meeting to order at 6:05 PM  
Present: Patricia Blackmer, Suzanne Haselow, Ken Kienbaum, Jimmy Schulgit, Richard Helmick  
Absent: Kathy Brady, Dan Richardson, Jimmy Schulgit  
Staff present: Chris Munz-Prichard  
Others present: None
- Approval of Agenda  
MSC Haselow/Kienbaum to approve the agenda as posted.  
Ayes: Blackmer, Haselow, Kienbaum, Helmick  
Nays: None  
Abstain: None
- Approval of the Minutes of September 6, 2018  
MSC Haselow/Kienbaum to approve the minutes of September 6, 2018 as presented.  
Ayes: Blackmer, Haselow, Kienbaum, Helmick  
Nays: None  
Abstain: None
- Set date of next meeting – November 1, 2018  
The next meeting of the Whitewater Landmarks Commission will be on November 1, 2018 in the City Manager's Conference Room, City Hall, at 6:00 PM.
- Hear Citizen Comments:  
No formal Landmarks Commission 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 Commission discusses that particular item.

There were no citizen comments.

## Reports

- Effigy Mounds Preserve (Helmick)  
On Monday, October 1, a meeting was held with the Parks and Rec Director and the Streets Supervisor to discuss maintenance issues at the Effigy Mounds Preserve. Among the items discussed was the need for tree removal and trimming, placing of the boulders, and the path. Due to weather constraints and other departmental needs, work will be readdressed later this year or in the Spring of 2019.
- Birge Fountain Committee (Blackmer)  
Blackmer talked with Jim Allen and was told that there is no information on the next meeting of the Birge Fountain Committee. The Fountain's pumps are not working correctly. Since the fountain soon will be turned off for the winter, adjustments will be held until Spring of 2019.
- Report on Possible Signage for corner of Jefferson and Starin Rd. (Kienbaum)  
Kienbaum has found more information on the site at the city library. Specifically, all of the past commercial activities and their dates of operation have now been obtained. Munz-Pritchard will draft a mock-up of signage and bring it to the next meeting for consideration by the Commission.

## Unfinished Business

- Brochure reprint  
No report.
- Ordinance to increase fines to National/State Register and Local Landmark structures (Munz-Pritchard/Schulgit)  
At the second reading of the proposed ordinance action on the ordinance was postponed by the council so that more information can be obtained. There was no indication of a date for future consideration.
- Historic Home/Building Tour sponsored by the Landmarks Commission/Whitewater Federation of Women's Clubs Update  
The planning group is meeting monthly. Work is progressing.
- Effigy Mounds Walk in May (Haselow)  
Haselow discussed images for the informational poster. She will have rough drafts of the poster and invitational letters for the neighbors available at the next Landmarks meeting. Blackmer suggested that information (Save the Date) on the walk be put on the city's web site. Munz-Pritchard also suggested that the information be placed on the Chamber of Commerce web site. Haselow suggested that a coloring contest be

sponsored at the library as another way to encourage interest in the Walk. Commission members agreed with this idea and encouraged Haselow to work with the Children's Librarian to organize this.

- Main Street Historic District Banner Project (Meeting with Design Commission results)  
The committee has met and selected a design. Blackmer displayed an image of the design. It was decided that private funds together with a grant from the Whitewater Foundation will pay for approximately 30 banners.
- Pratt Institute Signage update  
A letter was developed by Chris Munz-Pritchard and Pat Blackmer requesting that The owners of the Wisconsin Telephone Co. and adjacent property provide permission for signage to be installed either on the property of the telephone company or the terrace. The signage would be provided by the Morris Pratt Institute (Wauwatosa, WI) in conjunction with assistance from the Whitewater Historical Society. The Landmarks Commission's role is to facilitate getting permission from the property owner(s) and the City of Whitewater for the sign placement.
- Certified Local Government Historic Preservation Commission Survey  
Munz-Pritchard and Blackmer have responded to the survey. Based on the response, the state and UW-Madison will develop informational materials for other cities looking to achieve CLG status.

### **New Business**

- Individual Commission members projects for November  
Kienbaum: signage for Jefferson/Starin intersection  
Haselow: Further develop details for the Walk  
Helmick: Complete the minutes
- Resignation of Commission member  
Kathy Brady has resigned from the Commission. Commission members were asked to search for possible candidates to fill her seat.
- Suggested sites/structures to be designated as Local Landmarks
  - A citizen approached Haselow and inquired why there are no Sears Houses designated as a city Landmark. Discussion ensued.
  - Kori Oberle has sent information on the Territorial Oak to the Commission in preparation for the Commission's review in nominating the site as a City Landmark.

### **Future Agenda Items**

None were brought forward at this time.

### **Adjournment**

Blackmer adjourned the meeting at 7:06 PM



CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
November 12, 2018

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Sherry Stanek, Andrew Crone, Tom Miller, Kristine Zaballos. Absent: None. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of Plan Commission Minutes.** Moved by Zaballos and seconded by Binnie to approve the Plan Commission minutes of the August 13, 2018 with a small change. Motion approved by unanimous voice vote.

**Public hearing for a change of the City of Whitewater Ordinance Regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.06.120C Yard Modifications, addressing amendments to residential fences and walls.** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard gave some recent history on ordinance changes. Some were changed with the zoning rewrite in 2016. At that time the ordinance did not allow for fences over 6 feet tall. A modification was made in 2017 that allows for them as a conditional use. Every six months to a year people come in and ask for guidelines. First we wanted to put in some design guidelines for fences that are six feet tall and under. These are just guidelines, no permit is necessary. We also made up an application to document a fence installation. Providing this information is at no cost. It just provides information for what they did that can be referenced later if needed. Chris Munz-Pritchard went through the changes to the ordinance.

City Attorney McDonell explained that the changes need Plan Commission approval and recommendation to the City Council for their approval to decide on whether or not this is too general for knowing if you were in compliance. There are not going to be mandatory standards, but there are several factors that must be considered before installing fence. It is to help the property owner to know what might be reasonably compatible with the neighborhood. This is not a permitting process, it is just a matter of documenting what the property owner is doing. Fences are difficult. The ordinance gives some idea that you can't just put up any fence. It allows for fences to be reviewed. Consistent finishing materials should be used. The fence should be kept in good repair. All fencing should have the finished side to the outside, which makes a better look for the fence.

Chairperson Meyer opened for public comment.

Beverly Stone, 303 W. Ann Street, read her comments and asked them to be a part of the record. Her letter will be attached to these minutes.

Chairperson Meyer closed the public comment.

Plan Commission Members voiced concerns of: grades and elevations should be considered; there are 10 foot easements to side and rear property lines in new subdivisions to allow for utilities and drainage areas; think we should have permits for fences, common sense is different for everyone; architectural features should not be regulated.

City Planner Chris Munz-Pritchard stated that we need to have guidelines and property owners need to maintain their fence. Placing a fence in a vision triangle is pretty well regulated in the ordinance. If a property owner is putting up a fence, they should talk to their neighbors.

City Attorney McDonell explained that an obstruction of a natural flow of drainage that negatively impacts neighboring property owners is illegal, but more of a civil dispute between property owners. The issue is how much you want to regulate fences and how regulated (a CUP or evaluation if it is a good fit for the neighborhood?). It is hard to nail down without a permit, which would make it a permit process. This ordinance amendment would give the City some ability to say that a certain fence does not fit. He explained that if the ordinance allowed for architectural features, the ordinance would be too general to be enforceable. For example, if someone used shingles to make a fence, it would look horrible, but the City would not be able to do anything about it. City Attorney McDonell also explained that the property owner can have an appeal process if they feel the zoning administrator is not being reasonable. The other thing that could be done is to look at other communities to see what they have done in regard to fences and if they have had any problems in regard to fence regulations and how much burden they have had. And find out if the community likes it or not. We could look into this further. The way it is set up it gives a very minimal requirement to be reasonable to the neighborhood, even though it is somewhat ambiguous.

Chairperson Meyer suggested that #3 in the proposed ordinance be changed to “fence shall have consistent fencing building material ...”.

Plan Commission Members voiced concerns of: whether to require permits for fences; Putting fences up with the finished side the wrong way; talking to the neighbors when planning to put up a fence; vision triangle should be referenced in the ordinance; fencing materials; don't want to micro manage; would like to allow people to be creative; go more toward providing guidelines and if it becomes problematic build the ordinance up.

City Planner Chris Munz-Pritchard stated that she would work the ordinance up and bring it back to the Plan Commission.

**Public hearing for a conditional use permit to replace the front porch widening it to match the width of the house at 509 W. Whitewater Street for Patrick McCormick. (The new porch will be an open porch.)** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that the applicant applied for a conditional use permit to remove the existing enclosed porch and replace it with an open porch that would match the width of the house at 509 W. Whitewater Street. The whole neighborhood has non-conforming structures. The average street setback required by City ordinance 19.06.180 Average street setback may be waived by a conditional use permit approved by the Plan Commission. This proposal is similar to what is in the neighborhood.

Pat McCormick stated that they plan to side the home. Replacement of the porch would make it safer. They will do some landscaping along the front, possibly some hostas.

There was no further public comment, Chairperson Meyer closed the public comment.

Plan Commission Member Binnie stated that this is a great idea; it could be considered a conditional use; something a little more than hostas in front would be appropriate.

City Attorney McDonell stated that there is significant protection in the law. It is still a non-conforming use which could include not being able to enclose the porch.

City Planner Chris Munz-Pritchard explained that the current porch encroached the current setback standards. A conditional use permit is required in order to extend the encroachment.

Moved by Binnie and seconded by Stanek to approve the conditional use permit to replace the enclosed porch with an open porch as wide as the home with the City Planner's conditions. (See attached conditional use permit). Ayes: Binnie, Stanek, Miller, Crone, Parker, Zaballos, Meyer. Motion approved.

**Information Items:**

Chairperson Meyer noted that the Plan Commission will be losing a member of the Board.

Kristine Zaballos stated that this would be her last Plan Commission meeting and that she has put in her resignation.

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that in December, there will be two R-2A zoning and conditional use applications. The City of Whitewater is working on a new web site which should be up and running in early 2019.
- b. Next regular Plan Commission Meeting – December 10, 2018.

Moved by Parker and seconded by Zaballos to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 7:45 p.m.

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Chairperson Greg Meyer

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
December 10, 2018

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:30 p.m.

Present: Greg Meyer, Lynn Binnie, Bruce Parker, Sherry Stanek, Andrew Crone, Tom Miller, Lisa Dawsey Smith (Alternate). Absent: None. Others: Chris Munz-Pritchard (City Planner), Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of Plan Commission Minutes.** Moved by Binnie and seconded by Stanek to approve the Plan Commission minutes of September 10, 2018 and October 8, 2018. Motion approved by unanimous voice vote.

**Public hearing to consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:**

<b><u>Property Address:</u></b>	<b><u>Tax ID #:</u></b>	<b><u>Property Owner:</u></b>
<b>231 S. Janesville Street</b>	<b>/WS 0001</b>	<b>Ceranske Property Management (Brad and Patty Ceranske)</b>

The discussion for this item is included with the following item.

**Public hearing for a Conditional Use Permit, in an R-2A Overlay Zoning District, to allow for 4 unrelated persons per unit to live in the house located at 231 S. Janesville Street for Ceranske Property Management (Brad and Patty Ceranske).** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard noted some of the history of the building and the description of the proposal. The home was remodeled in 1982, there were 4 bedrooms. She explained her recommendations.

There was no public comment. Chairperson Meyer closed the public comment.

When asked what the parking arrangement was, Brad Ceranske explained that there are two parking spaces in the garage, two spaces behind the garage and two spaces up near the house.

There is a connecting driveway with the property next door, so vehicles can drive out the other driveway.

Plan Commission Members voiced concerns of: having a parking plan; there were no striped parking stalls; want to make sure there are official designated parking stalls, so if the properties are sold, each property has enough parking for their tenants; asked the applicant if he would consider closing up the Janesville Street entrance to the neighboring property and put all the parking on the Franklin Street side; it would also make more distance from the intersection to the garage.

City Attorney McDonell explained that the Plan Commission could approve with a condition that a parking plan is reviewed and approved by the Neighborhood Services Director.

Patty Ceranske asked if they change the parking, would they be able to remove the two trees?

Plan Commission Member Crone stated that the Plan Commission can make a recommendation on the planning and parking, but there are more processes to get approval to take down trees.

Chairperson Meyer stated that bedroom #2 (center left with the bathroom) does not meet the criteria that the Plan Commission chose to follow. It does not meet the 100 sq. ft. and does not have a 10 foot unobstructed wall. The amount of common space comes up short for 4 occupants. He suggested removing the wall for the bedroom #2 to add that space to the common space.

Brad Ceranske suggested that he could move the door to the bathroom so that it would have access from the kitchen and shorten up the closet in order to provide a 10 foot unobstructed wall space. Chairperson Meyer stated that as long as Ceranske could have the 10 foot unobstructed wall space Meyer was okay with it.

Plan Commission voiced: with two spaces for the garage and two behind the garage, there is no need for the extra parking up near the house for the property at 231 S. Janesville St.; like to see parking layout; would like to see striping; if this is to be a joint parking driveway, it should be a part of the approval; would like to see the parking with the curb cut on S. Janesville Street removed; would it just be better to remove the garage and just have parking along the back of the property.

City Planner Chris Munz-Pritchard stated that she would work with Brad Ceranske on the parking to see if they can get rid of the Janesville Street curb cut on the 225-227 S. Janesville St. property. The adjacent parking is partly shared by this property. Munz-Pritchard prefers the garage to be there as it blocks view of parking from other residential properties. She asked the Plan Commission to approve the request as this property has its own required parking and she would bring back the parking changes.

Moved by Stanek and seconded by Miller to approve with the planner recommendations and fixing the concerns with the 10 foot unobstructed wall space.

Plan Commission Member Crone would like to see what the parking is. If we are going to address parking, if the property was sold, we would want to know how the parking would be.

Having an agreement is an important measure for the Plan Commission to require and see it on paper.

Chris Munz-Pritchard stated that there would need to be an easement agreement if there is to be shared parking. She noted that she does check conditional use permits for violations.

Plan Commission Member Miller requested that once the parking situation is remedied, that the large cement blocks be removed.

Stanek removed her motion, with agreement of the second.

Chris Munz-Pritchard stated that the applicant could put curb stops up once the parking is determined and remove the concrete blocks. The parking would need to be asphalt or concrete which would be required to be done probably in June or July. If the Plan Commission puts deadlines on the completion of the parking, it would be okay.

Plan Commission Members stated: the parking should be addressed and come back to Plan Commission; this is a great opportunity to clean up this corner. Have no problem approving for 231 S. Janesville St., the shared parking is the concern; this is essentially the same property, they share a lot of the same space; if we don't see the plan in front of us, how can we give guidance?

Brad Ceranske suggested he come back with a plan and go from there.

Moved by Parker and seconded by Stanek to continue the public hearing for both #4 and #5, for the zoning amendment and the conditional use, to when the applicant could come back with a parking plan at which time we will review the whole proposal. Aye: Parker, Stanek, Binnie, Miller, Crone, Dawsey Smith, Meyer. No: None. Motion approved.

City Attorney McDonell asked the Plan Commission that with the continuance of the public hearing if they wanted to do all the re- noticing to the paper and to property owners. Plan Commission agreed that those notices were not necessary as a continuation. McDonell asked the applicant if they were agreeable with the action to continue the public hearing.

The applicant agreed.

**Public hearing to consider a change of the District Zoning Map for the following parcel to enact an ordinance to impose the R-2A Residential Overlay District Zoning classification under Chapter 19.19 of the Zoning Ordinance of the City of Whitewater on the following area:**

<b><u>Property Address:</u></b>	<b><u>Tax ID #:</u></b>	<b><u>Property Owner:</u></b>
243 S. Janesville Street	CL 00105A	Ceranske Property Management (Brad and Patty Ceranske)

This item will be discussed with the following item.

**Public hearing for consideration of a conditional use permit application, in an R-2A Overlay Zoning District, to allow for 5 unrelated persons per unit to live in the house located at 243 S. Janesville Street for Ceranske Property Management (Brad and Patty Ceranske).** Chairperson Meyer opened the public hearing.

City Planner Chris Munz-Pritchard explained that back in 1973 the existing single family home had four bedrooms and two bathrooms. It now has 5 bedrooms and three bathrooms. The request is for five unrelated persons. The required interior space for 5 unrelated is 1720 sq. ft. If only allowed four unrelated persons the home would meet requirements. Parking requirements for 5 unrelated would require 5 parking stalls. The requirement for 4 unrelated would be four parking stalls. Parking plans were not submitted with the initial plans. The Building Inspector, when doing his inspection, found that the lower level bedroom and bathroom area were created without the proper permits. There are clearance issues that have to be addressed that will require some relocation of walls or fixtures. He did not see any concerns of the four existing bedrooms. Chris Munz-Pritchard explained that her understanding is the intent of the R-2A Overlay was to fill existing rooms and not create new bedrooms. She recommended the Plan Commission grant conditional approval for the request to allow a Conditional Use Permit (CUP) for up to 4 unrelated (not 5), subject to the following conditions of approval: 1. Parking stalls and driveway are to be hard surfaced with concrete or asphalt, with not more than forty percent of the yard being impervious surface except as a conditional use (19.18.060 – Yard requirements). 2. No major exterior or internal building modifications are being proposed. 3. Approval by Engineering, Building Inspector, Fire Inspector and other City Departments. 4. Any other conditions identified by City Staff or the Plan Commission.

Plan Commission Member Binnie explained that we can't approve 5 unrelated at this point in time. We can approve up to 4 unrelated and close 1 driveway cut. If the home meets the satisfaction of the Building Inspector, the applicant could come back again to request the 5 unrelated which would be a new conditional use process.

Moved by Binnie and seconded by Stanek to recommend to the City Council to impose the R-2A on the residence at 243 S. Janesville Street and approve the conditional use for 243 S. Janesville St. for 4 unrelated persons with the recommendations of the City Planner, close the south driveway cut, and provide a parking plan to be approved by the City Planner. The conditional use permit would be contingent upon the approval of the R-2A Zoning by the City Council. An additional condition: that in order to be considered for 5 unrelated, an amendment to the conditional use permit would need to be submitted, the Building Inspector would have to approve the use of the bathroom and bedroom for occupancy and verify that the total habitable space meets requirements.

Brad Ceranske stated he would be meeting with the Building Inspector next Monday morning for a walk through. The 5<sup>th</sup> bedroom had been there since the 1970's. He put the bathroom in about 4 years ago when he bought the property. His biggest concern is that he has 5 really nice kids living in the home. They are all seniors and will be graduating this year. It hurts and bothers him to make them leave the second semester of their senior year. He would like to let them stay until the end of the year.

Plan Commission Members stated: this lets opportunities for others with an extra bedroom; can we get 5 parking stalls on site without problems; Google Maps shows 5 to 6 cars stacked next to or behind each other, with one vehicle having to move two vehicles to get out; would like to see a parking diagram with designated parking stalls.

Plan Commission Members voiced: would like to continue the public hearing with the request for the 5 unrelated and a parking plan with the striping; the applicant has been trying to do the right thing, that we could work with him; would like to continue with the understanding of the over occupancy and that it cannot be enforced because this is in progress.

City Attorney McDonell stated that the situation of enforcing the over occupancy is discretionary. The zoning administrator could consult with the City Manager and/or the City Attorney to make a decision. The Plan Commission can make a recommendation.

Plan Commission Member Binnie withdrew his motion with the agreement of the second.

Chairperson Meyer closed the public comment.

Moved by Binnie and seconded by Miller to continue the public hearing to the next meeting expecting Building Inspection reports with the measurements of habitable space and a parking plan. Also a Building Inspector approval of the bathroom. Aye: Binnie, Miller, Crone, Parker, Stanek, Dawsey Smith, Meyer. Motion approved.

**Public hearing for a change of the City of Whitewater Ordinance regulations, to enact the proposed amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.06.120C Yard Modifications, addressing amendments to residential fences and walls. (This is a continuation of the last meeting.)** Chairperson Meyer opened the public hearing.

Chris Munz-Pritchard stated that changes are shown in blue. City Planner Chris Munz-Pritchard read the changes that were made.

Chairperson Meyer opened for public comment. There were no comments. Chairperson Meyer closed the public comment.

Plan Commission Member Binnie stated that he thought it did just what the Plan Commission wanted it to do. Moved by Binnie and seconded by Dawsey Smith to approve the amendments to the City of Whitewater Municipal Code: Chapter 19, specifically Section 19.06.120C Yard Modifications, addressing amendments to residential fences and walls. Aye: Binnie, Dawsey Smith, Miller, Parker, Stanek, Meyer. No: Crone. Motion approved.

### **Information Items:**

- a. Possible future agenda items. City Planner Chris Munz-Pritchard stated that the GIS Mapping Technician updated the Landmarks on the City of Whitewater web site. Plan Commission asked for a report on the property located at the west end of W. Center Street, owned by the U.W. Foundation, at the next meeting.

Bruce Parker asked if Plan Commission was going to get an update on the charrette. It would be nice to have a joint meeting with the City Council, Plan Commission and the CDA for the presentation by the Planning Consultant.

- b. Next regular Plan Commission Meeting – January 14, 2019.

Moved by Miller and seconded by Stanek to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 8:15 p.m.

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Chairperson Greg Meyer

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
Whitewater Municipal Building Community Room  
February 11, 2019

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL  
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

**Call to order and roll call.**

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Andrew Crone, David Stone, Lisa Dawsey Smith (Alternate).  
Absent: Bruce Parker, Sherry Stanek, Tom Miller. Others: Cameron Clapper (City Manager),  
Wallace McDonell (City Attorney).

**Hearing of Citizen Comments.** There were no citizen comments.

**Approval of Plan Commission Minutes.** There were no minutes available to approve.

**Review Extra-territorial Certified Survey Map for three lots at N510 County Road D for  
Ross Walton.**

City Manager Cameron Clapper introduced the proposal for City Planner Chris Munz-Pritchard explaining that this was a preliminary certified survey map for a 2.7 A-3 lot with existing house and farm buildings for sale, a 6 acre nonprime lot combination A-3 residential building site for the Walton's new home and a 2.7 acre more or less A-2 lot for Mr. Walton's shop. The parcels are located in the Town of Cold Spring, Jefferson County, Wisconsin.

Chairperson Meyer opened for public comment.

City Attorney McDonell stated that Plan Commission Member David Stone had asked about the specific technical submittal for a certified survey map. What was submitted is not a certified survey map. David Stone had concerns of moving forward without having a certified survey map. This is an extra-territorial review, Chris Munz-Pritchard accepts this type of information. If the Plan Commission approves, the final approval will be by Chris Munz-Pritchard. The surveyor will get the certified survey map to the City Clerk, Michele Smith, and Michele will check with the Zoning Administrator Chris Munz-Pritchard to make sure the certified survey map is what was approved.

David Stone asked if it was appropriate to ask that the final certified survey map be brought to the Plan Commission before it is approved. This submittal is pretty lax for a survey. We should get a lot more.

Russell Walton explained that the certified survey map needs approvals from the City of Whitewater, Town of Cold Spring and Jefferson County. The applicant does not want to pay a second time for a surveyor to do the CSM.

City Attorney McDonell stated that it is fair to ask for a preliminary/conceptual review or direction from the Plan Commission. When asked what A-3 and A-2 permit on the properties, he stated that the zoning would not allow small lots like a subdivision. It would allow for agricultural and maybe agribusiness type uses.

Plan Commission Member Binnie stated that in reality, extra territorial reviews are generally very mundane. Adjacent property owners have not objected. It is not a subdivision near the City and there are no utilities available. He is comfortable in approving with the planner's report and final approval by City Staff.

Moved by Binnie and seconded by Crone to approve the proposed certified survey map subject to the Planner's recommendations with #2 to read: Final CSM shall be approved by City Staff and recorded with Jefferson County; and # 3. At such time utilities become available the parcel may be required to connect to City Utilities. Aye: Binnie, Crone, Dawsey Smith, Meyer. No: Stone. Motion approved.

Plan Commission Member Crone explained that the certified survey map will clearly identify where lines will be when the final certified survey map is done.

**Public hearing for consideration of a conditional use permit (tavern and other places selling alcohol by the drink) for Cozumel Mexican Restaurant of Whitewater, LLC., Jose J. Lopez, Agent, to serve beer and liquor (for a "Class B" Beer and Liquor License) by the bottle or glass at 1139 W. Main Street.** Chairperson Meyer opened the public hearing.

City Manager Cameron Clapper introduced the proposal for City Planner Chris Munz-Pritchard. He explained that the conditional use permit runs with the owner and a change in ownership requires the issuance of a new conditional use permit and new/transfer of the alcohol license.

Todd Schluesche, Attorney for Jose Lopez, was present to answer questions. He explained that the Cozumel Restaurant is just changing the agent, everything else will remain the same.

Jose Lopez stated that he has been the manager of the Cozumel Restaurant for 11 years. His brother was the agent, but he is moving on to another restaurant.

Chairperson Meyer opened for public comment. There was no public comment. Chairperson Meyer closed the public comment.

Plan Commission Member Binnie had no difficulties with this change. Moved by Binnie and seconded by Dawsey Smith to move approval of the conditional use permit (tavern and other places selling alcohol by the drink) for Cozumel Mexican Restaurant of Whitewater, LLC., Jose J. Lopez,

Agent, to serve beer and liquor (for a “Class B” Beer and Liquor License) by the bottle or glass at 1139 W. Main Street. Aye: Binnie, Dawsey Smith, Crone, Stone, Meyer. No: None. Motion approved.

**Public hearing for consideration of a conditional use permit application for the conversion of a duplex into multifamily, combining the buildings at 361-365 S. Scott and 353 S. Scott to make 8 two-bedroom units to serve both the student and non-student populations for Land and Water Investments, LLC. (Matthew Kuehl).** This item was postponed to the March 11, 2019 Plan and Architectural Review Commission meeting by the applicant prior to the meeting.

**Information Items:**

- a. Possible future agenda items. There were no additional items known at this time.
- b. Next regular Plan Commission Meeting – March 11, 2019.

Moved by Dawsey Smith and seconded by Stone to adjourn. The motion was approved by unanimous voice vote. The meeting adjourned at approximately 6:21 p.m.

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Chairperson Greg Meyer



Public Works Committee Meeting  
February 12, 2019  
6:00 p.m.  
Cravath Lakefront Room  
Municipal Building-2<sup>nd</sup> Floor  
312 W Whitewater St  
Whitewater, WI 53190

**AMENDED AGENDA AS OF 8:45 A.M. 2/11/2019**  
**(See changes listed below)**

**1. Call to order and roll call**

Meeting was called to order at 6 p.m. by Allen. The meeting was held in the Cravath Lakefront Room.

Present: Jim Allen, Carol McCormick

Absent: Jimmy Schulgit

Others: Cameron Clapper

**2. Approval of minutes from January 8, 2019**

A motion was made by McCormick to approve the minutes from January 8, 2019, and seconded by Allen.

Aye: All via Voice vote (2)

Nay: None

**3. Hearing of Citizen Comments**

No citizens appeared to speak at this time.

**4. Old Business**

No old business at this time.

**5. New Business**

**a. Discussion and Possible Action on moving forward with the lakes drawdown**

Marquardt stated the timeline to start the lakes drawdown is after the 4<sup>th</sup> of July festivities. The report looked at doing one inch per day. After talking with the DNR, it looks like we could go up as much as six inches per day. It is really their recommendation as to the final draw down rate that will be used. We have a permit that needs to get in and information that needs to go along with that permit. Therefore, we are looking for approval from the Public Works Committee, the Park Committee and then Council in March to proceed with the draw down that would then happen in the fall of 2019. This process would continue through 2020 with the refill starting in the spring of 2021. In addition to the refill, there would be a controlled burn in the spring of 2021, and some fish habitation improvements in the spring of 2021 and restocking of fish in the fall of 2021. The restocking would more than likely happen in the spring of 2022, after the lake has been reestablished. As part of the draw down there has been talk about doing extra work with dredging. As we have heard at the public information meetings, it seems like the people that have spoken are behind the dredging and really want the City to go pretty much all in with the project. We are looking for some kind of approval from Council that we are going to move forward with the draw down and that we are seriously going to look at the dredging through the budget cycle as a

potential project for next year. Allen agreed, we need to get a consensus from the Council because the citizens don't want us to draw down the lakes if we aren't going to dredge. Clapper stated they have talked about it at the project meetings last week. Nobody wants to go through the draw down without the dredging, and we know the dredging is going to be expensive. Would it be more appropriate to say yes to all of it now or say yes to the draw down with the intent we are going to dredge as well and come back in the summer when we have the next level of permits done. Allen thinks we at least need to get some kind of consensus because it's going to be a big budget item. Clapper stated by just doing the channels there is no hope of making a huge impact and that estimate was \$1.2 million from the engineering people a while back. Cameron had conversations with Larry about hauling the sediment taken out of the lake. He thinks that maybe Kowalski and Walton would help with labor and/or trucks. Marquardt said we would have to look at the bidding regulations as to what we can and can't do. McCormick asked if the DNR was going to monitor the draw down weekly or how it was going to work. Marquardt thought we would probably have to submit weekly reports to the DNR; however, he is not sure yet. The City will be controlling the lowering of the water. McCormick stated the residents downstream would definitely be monitoring it as well. Clapper said we could go back and look at the records of when we did changes to the bridges because there was a draw down the season before that happened as well. Allen said that six inches would have to be monitored because sediment would be going downstream. Marquardt stated that was part of the permit process. We have to let the DNR know how we are going to manage this process. McCormick thought the DNR restocks the lake for free. Marquardt stated they do not restock pan fish. They did mention a few species on their list they would restock. Marquardt stated, we are looking for a motion to move forward, if you want to, with a strong recommendation the dredging would be strongly considered. McCormick moved and seconded by Allen.

Aye: All via Voice vote (2)

Nay: None

**b. Discussion and Possible Action on the approval of the TPP for Clay Street**

This is the Transportation Project Platt for Clay St. It shows the temporary limited easements that need to be acquired by the City. We need to have it recorded which means we need Council approval. Allen moved for approval and seconded by McCormick.

Aye: All via Voice vote (2)

Nay: None

**c. Discussion and Possible Action approving changes to Whitewater Municipal Code, Chapters 16.04, 16.08, 16.12, and 16.14**

These changes deal with waterworks and sewer utility rules and regulations. This has not been updated since it was brought in to its current form, which is unknown. We went through these documents and took out anything that wasn't relevant now and brought the language up to code with the DNR and PSC. There were no changes regarding what the utility is charging. It only refers to the rates as set by Council in the budget or set forth by the PSC, if it is water related. McCormick moved to approve and seconded by Allen.

Aye: All via Voice vote (2)

Nay: None

**d. Discussion regarding snow removal in the Downtown area**

Allen asked that this item be put on the agenda. He thinks our staff does an excellent job. However, the row of snow in the middle on main street is usually too far to the south. For example, everyone parked there today is parked parallel. They didn't even attempt to park the other way because there is no room to get through. Allen is asking for the snow to be piled a little further north because there is angled parking on the south. Clapper said he was talking about this at Rotary today with the same thing on Center Street. The post office has the angled parking as well, except for when we have a snow event because then it is parallel parking. Marquardt will talk with the superintendent at the Streets Department about the concern.

**e. Discussion regarding the intersection of Janesville Street and Franklin Street**

Mr. Gray asked if this could be put on the agenda for review of accidents at that intersection. Marquardt had the police department compile a list of accidents in the last five years. Allen introduced Kenneth Gray from 451 W. Center St. Mr. Gray has lived at that location for many years on the southeast corner of the intersection of Franklin and Center St. However, at the rear of his property, if you were coming up Janesville St. you would basically end up in his backyard. In his opinion, there has been a lot of accidents by his property that have ended up on his property and done damage. While out shoveling, he was struck by a vehicle going too fast for conditions, which resulted in knee surgery after a ride to the hospital in an ambulance. The worst accident only happened a week and one-half ago. A man driving a large, diesel powered pickup truck missed the curve and ended on Mr. Gray's property. He mowed down 40 ft. of bushes, struck and demolished his car and pushed in his porch. He was lucky, as it could have been a lot worse. The driver involved in the accident backed up and struck his pickup truck and another bush on the south side of the property before driving away. Mr. Gray is looking to discuss some possible solutions. One would be to put up a stop sign on Janesville St. The other idea would be to have an island installed like at Main St. and Milwaukee St. by the railroad tracks. There is an island there to divide the two lanes. If there was an island you would do away with traffic going south on Franklin, unless they were making a right hand turn from Janesville St. The vehicles cut the corner so they can keep their speed up. They end up wearing away the double yellow line and therefore, people don't know that it is an intersection where you have to yield the right of way. He feels it's a very confusing intersection. He also commented on the amount of truck traffic going through that area. In his opinion, he feels it is a very dangerous intersection. Marquardt stated the accident reports from 2014 – 2019 were attached. The first accident was a person traveling south on Franklin who did not yield to a car heading north on Janesville. The next accident in August was a motorcycle heading south and lost control going around the curve. The next one in October was a hit and run at 2:11 a.m. This one was heading south on Franklin and actually crossed the intersection and hit parked cars on Franklin St. One in 2016, was someone who was heading south on Franklin and was stopped to continue south on Franklin, yielding traffic, and someone rear-ended the stopped car. The one in 2017, happened on icy roads as the southbound car was going around the curve and lost control and ran in to a pole. One in 2018, the southbound vehicle on Franklin did not yield the right of way to the northbound vehicle on Janesville. The 2019, accident was the most current which Mr. Gray informed us about which happened at 1:42 a.m. Marquardt stated there is a manual on uniform traffic control devices that give situations where stop signs are warranted and speed is typically not a reason to warrant a stop sign. Stop signs, in the eye of the book, is to stop traffic and allow side traffic an opportunity to enter the road when there is too much volume on the main road. However, there is also guidelines to look at for different types of intersections that may warrant a stop sign due to safety. Marquardt stated he could look at the uniform traffic control book, see what that says, and come back with a recommendation. For the island idea, he may have Strand draw something up to see if there would be enough room to do something. Allen suggested we look in to it and see if there is something we can do. It will be put on a future agenda.

6. **Future Agenda Items** – None at this time.

7. **Adjournment** – The meeting was adjourned at 6:37 p.m. Motion made by McCormick and so moved by Allen.

Aye: All via Voice vote (2)

Nay: None

*It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information over which they may have decision-making responsibility; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.*

**Anyone requiring special arrangements is asked to call the  
Office of the City Manager / City Clerk  
at least 72 hours prior to the meeting.**



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/19/2019

ITEM: Title 16 water and sewer updates.

PRESENTER: Public Works Director

PREVIOUS ACTION, IF ANY: There is no previous action on this item.

SUMMARY OF ITEM BEING PRESENTED: Title 16 of the Municipal Code pertaining to water and sewer has not been updated since it was put into the current municipal code format. Staff went through the appropriate chapters and updated language to reflect current regulations, policies and procedures.

FINANCIAL IMPACT: There is no fiscal impact associated with the changes.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Public Works Committee recommended approval of the changes to Title 16.

STAFF RECOMMENDATION: Staff recommends approval.

RECOMMENDED MOTION: Approve the changes to Title 16 pertaining to water and sewer as outlined.

ATTACHMENT(S) INCLUDED (If none, please state that): Title 16 Sections 16.04, 16.08, 16.12 and 16.18.

FOR MORE INFORMATION CONTACT:

Brad Marquardt, [bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov), 262-473-0139

## Chapter 16.04 - WATERWORKS RULES AND REGULATIONS

### 16.04.010 - Management.

- a) The general control and supervision of the waterworks shall be under the common council of the city.
- b) The income and funds of the Whitewater water utility shall be used to meet operation, maintenance, depreciation, interest, sinking fund requirements, additions and improvement, and any other necessary disbursements.
- c) There shall be set aside annually sufficient funds to meet maturing municipal waterworks bonds and interest charges.
- d) The director of public works shall take charge of all construction, extensions and improvement of the water utility.
- e) All actual construction, extensions, and improvements shall be under the immediate supervision of the director of public works.
- f) The director of public works shall have the general management and supervision of the city waterworks, and all matters connected therewith, and shall have the general power and authority to appoint all officers and employees of the water department, to prescribe their duties and to fix their salaries, and to make such rules and regulations for the management of the department as he shall from time to time find necessary for the safe, economical and efficient management of the waterworks; and such rules and regulations shall have the same validity as ordinances, where not repugnant to the ordinances of the city or to the constitution or laws of the state.
- g) The director of public works shall have general supervision of the waterworks department under the direction of the common council and shall have general supervision over the buildings, grounds, machinery, pipes, and all matters connected therewith; and shall see that all ordinances, rules and regulations of the common council are complied with; that the conditions of all contracts by or with the department are faithfully complied with; that the assessments and all other utility receipts be paid directly to the city treasurer who shall pay the same into the water department fund which shall be a separate fund as required by law. He shall keep a record of all accounts and claims for or against the said department and of all extensions, additions, changes, alterations and attachments made to the system of water works, and of all meters and the location thereof, and he shall perform such other duties as the common council may prescribe.
- h) Accounts against the water department shall be audited by the common council.
- i) The ordinances, rules and regulations and water rates adopted by the common council shall be considered a part of the contract with every person, company or corporation supplied with water through the water system of the city; and every person, company or corporation by taking water shall be considered to express his or its assent to be bound thereby.

*(Prior code §11.01).*

### 16.04.030 - Maps.

### ~~16.04.030 - Maps.~~

#### ~~Water plans and specifications~~

~~Water plans shall be prepared or approved by the Water Utility. The Water Utility shall approve the size of water mains and the location of hydrants, valves, manholes and appurtenances thereto. Hydrant flow test information, if available, will be provided to designers by the Water Utility Engineering Division at no cost. Should additional hydrant flow testing information be required, the Water Utility will perform the necessary testing on a cost reimbursable basis.~~

The director of public works shall prepare a map showing the location, size and type of all mains, valves, and service pipes and the entire water works system; and he shall from time to time make such additions and alterations in the maps as shall correspond to the changes in the physical plant; and he shall keep the same on file in his office. (Prior code §11.03).

### 16.04.040 - Flushing mains.

The water mains shall periodically undergo a most thorough treatment of flushing. (Prior code §11.04).

### 16.04.050 - Valves. (?)

The valves on the water distribution system shall be thoroughly inspected and operated at least once every ~~twenty-four~~ (24) months, and shall be maintained in good operative condition. The record of each valve shall be made and kept showing its size, type, location, date of inspection and the results thereof. (Prior code §11.05).

### 16.04.060 - Inspection and tests.

The utility will make systematic inspection of all unmetered water taps at least once every twelve (12) months for the purpose of checking waste and unnecessary use of water. (Prior code §11.06). ~~Is this the city or the owner?~~

### 16.04.070 - Hydrants.

The director of public works shall maintain all hydrants in good serviceable condition at all times, and to this end inspections should be frequent and thorough and the results recorded in the office of the director of public works so that no hydrant may be found frozen or out of order when emergency demands its quick use. (Prior code §11.07). ~~Use of Hydrant: Hydrants are to be used by authorized personnel only. In cases where no other water supply is available, the utility will provide water from the main water facility.~~

~~In cases where no other supply is available, permission may be granted by the utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the utility.~~

~~Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Upon completing use of the hydrant, the customer must notify the utility to that effect.~~

~~In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used~~

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~~through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.~~

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#### 16.04.080 - Construction—Handling water mains and service pipes.

a) ~~Water plans and specifications: Water plans shall be prepared or approved by the Water Utility. The Water Utility shall approve the size of water mains and the location of hydrants, valves, manholes and appurtenances thereto. Hydrant flow test information, if available, will be provided to designers by the Water Utility Engineering Division at no cost.~~

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b) ~~Where excavating machines are used in digging, all water mains shall be maintained at the expense of the contractor. All contractor shall call diggers hotline prior to excavating. Contractors must ascertain for themselves the existence and location of all service pipes. Where service pipes are removed, cut or damaged in the construction, the contractor must, at his own expense, at once cause them to be replaced or repaired. The contractor must not shut off the water service pipes from any consumer without first notifying and gaining permission from the director of public works.~~

~~When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the utility, in writing, upon application provided for that purpose in the utility's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the utility.~~

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~~In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit.~~

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~~Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the department. Any consumer failing to comply with this provision will have water service discontinued.~~

a) ~~Water plans and specifications: Water plans shall be prepared or approved by the Water Utility. The Water Utility shall approve the size of water mains and the location of hydrants, valves, manholes and appurtenances thereto. Hydrant flow test information, if available, will be provided to designers by the Water Utility Engineering Division at no cost.~~

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b) ~~Where excavating machines are used in digging sewers all water mains shall be maintained at the expense of the contractor. All contractor shall call diggers hotline prior to excavating.~~

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~~Contractors must ascertain for themselves the existence and location of all service pipes. Where service pipes they are removed, cut or damaged in the construction of a sewer, the contractor must, at his own expense, at once cause them to be replaced or repaired. The contractorHe must not shut off the water service pipes from any consumer without first notifying and gaining permission from for a period exceeding six hours without first gaining permission from the director of public works.~~

e) —

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(Prior code §11.08).

### 16.04.090 - Backfilling trenches.

Trenches in unpaved streets shall be refilled with moist, damp earth or by means of water tamping. When water tamping is used the water shall be turned into the trench after the first twelve (12) inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in. Consolidation of trench backfill shall be achieved by use of smooth surface vibratory compactors or backhoe-operated hydraulic compactors for granular materials and rotating sheepsfoot-type mechanisms for loam/clay soils. The lift height shall not exceed 8 inches for walk-behind, hand-operated, vibratory compactors and sheepsfoot. Lift height shall not exceed 24 inches for self-propelled vibratory drum or backhoe-operated hydraulic compactors.

Backfill material beneath paved areas or future paved areas shall be consolidated to 95% of maximum dry density within 3 feet of the surface and to 90% of maximum dry density below 3 feet from the surface to 1 foot above the pipe.

The trench may be backfilled with the excavated material, provided that such material consists of loam clay, sand, gravel, or other materials which, are suitable for backfilling. Care shall be taken in backfilling to avoid damage to the installed pipe.

(Prior code §11.09).

### 16.04.095 - Private well abandonment.

- a) The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed.
- b) All private wells located on any ~~premises which is~~premise which is served by the public water system of the city shall be properly filled within ninety (90) days of receiving written notice that the existing well does not meet standards set forth here. Only those wells for which a well operation permit has been granted by the city ~~engineer~~ may be exempted from this requirement; subject to conditions of maintenance and operation.
- c) A permit may be granted to a well owner to operate a well for a period not to exceed five (5) years if the following requirements are met. Application shall be made on forms provided by the city ~~engineer~~:
  1. The well and pump installation meet the requirements of ~~Chapter NR 112~~Chapter NR 812, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources;
  2. The well has a history of producing safe water and presently produces bacteriologically safe water, as evidenced by three (3) samplings two weeks apart;
  3. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system;
  4. No physical connection shall exist between the piping of the public water system and the private well.
- d) Wells to be abandoned
  1. ~~All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Chapter NR 112, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.~~

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2. ~~The owner of the well, or the owner's agent, shall notify the City at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the water superintendent or his or her agent.~~
3. ~~An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the City and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.~~

~~d) — shall be filled according to the procedures outlined in Chapter NR 812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstruction prior to plugging. Any obstruction or liner must be removed.~~

~~e) — A well abandonment report must be submitted by the well owner to the city and Department of Natural Resources on forms provided by the agency (available at the office of the city engineer). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by the plumbing inspector.~~

~~e) Any person, firm or corporation or other well owner violating any provision of this section shall upon conviction be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars together with the cost of prosecution. Each twenty-four- (24) hour period during which a violation exists shall be deemed and constitute a separate offense.~~

*(Ord. 1324 §§1, 2, 1995; Ord. 1068 §1, 1985).*

#### 16.04.100 - Water use—Permit required.

The law forbids free service, hence no water shall be taken without proper permit. Parties desiring to introduce water on their premises must make formal application to the water office and sign an application card or permit constituting a contract for water supplied and its specific use, which contract embodies these regulations as part of the same. *(Prior code §11.10).*

#### 16.04.110 - Tapping mains.

No person unless authorized by the utility shall be permitted to tap or make any connection with any street main or distribution pipe. *(Prior code §11.11).*

#### 16.04.120 - Service connections.

a) Each applicant for water service shall at the time of making application for such water service execute and deliver to the utility a contract for such water service, agreeing to put in the service pipe from the curb line to each piece of water-using property existing at that point and owned by him where such water is desired, at the expense of such applicant and to commence the payment of such water service sometime within one (1) month from the laying of such main in front of the premises named in such application.

b) The water main shall be tapped by the utility and all pipes and fittings, up to and including the curb box and necessary connections, will be furnished and installed at a cost of ~~forty dollars~~ established by Department of Public Works, not including digging the trench.

*(Prior code §11.12).*

#### 16.04.130 - Laying services.

~~a) Plumbers shall not connect two services to one tap but each building must have one distinct and separate tap and service pipe laid not less than six feet below the surface after the street is brought to a grade. Each~~

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service must be provided with a stop-cock and metal extension box outside of the premises connected with the same.

~~Supply pipes shall not be laid across and connecting adjoining premises whether owned by the same or different parties. Every service pipe where it enters the cellar shall be furnished with a stop and waste cock so situated below the action of frost that the water can be completely shut off and drained from the pipes when necessary to prevent freezing.~~

a) Application for water service shall be made in writing. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service and the size of the supply pipe and meter desired.

b) Service will be furnished only if:

1. Premises have frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the utility's filed main extension rule;

2. Plumbers shall not connect two (2) services to one (1) tap but Each building must have one (1) distinct and separate tap and service pipe laid not less than six (6) feet below the surface after the street is brought to a grade. If multi-~~unit~~ units with in a building shall have individual shut off valves made accessible to water utilities. Each service must be provided with a stop cock and metal extension box outside of the premises connected with the same.

~~Supply pipes shall not be laid across and connecting adjoining premises whether owned by the same or different parties. Every service pipe where it enters the building~~cellar~~ shall be furnished with a stop and waste cock, so situated below the action of frost that the water can be completely shut off and drained from the pipes when necessary to prevent freezing.~~

3. Premises have adequate piping beyond metering point; and

4. Any new building, premises or lot contained in a commercially zoned district shall be required to install a minimum of a one and one-half inch water service at the expense of the property owner. Such one and one-half inch requirement shall apply even if it can be demonstrated that such a size service is not necessary for the building's present needs. In such event, however, if it can be demonstrated to the satisfaction of the utility that a smaller meter service line would satisfy the needs adequately, then the service lateral may be reduced, inside the building to accommodate a smaller water meter. The base rate for the smaller meter will be charged until such time as the water usage requires larger metering equipment. At that time a larger meter shall be installed at the property owner's expense, and the base rate shall be adjusted accordingly.

c) The owner of a multi-unit dwelling, or multi-tenant building shall be served by individual metered water service to each unit. The owner is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations. A large meter serving the multi-unit dwelling paid for by the owner is acceptable.

d) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

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b) ~~The utility is empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.~~

*(Prior code §11.13).*

#### 16.04.140 - Repairs to services.

- a) The service pipe from the main to the curb will be maintained and kept in repair at the expense of the utility. However, it is the duty of the consumer to maintain the service pipe from the curb to the point of use and the utility cannot be called upon to stand the loss of water which has passed through the meter and has been wasted by leakage of defective pipes and fixtures.
- b) If a consumer fails to repair a leaky or broken service pipe from the curb to the house within such time as may appear reasonable to the director of public works, after notification has been served on the consumer by the director of public works, the water will be shut off and will not be turned on again until the repairs have been completed.

*(Prior code §11.14).*

#### 16.04.150 - Stop boxes—Protection.

The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate stop box and shut off water in case of a leak on the consumer's premises. ~~(Prior code §11.15).~~

#### 16.04.160 - Turning on water.

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work. *(Prior code §11.17).*

#### 16.04.170 - Meters—Installation.

Meters will be furnished by the utility. All meters shall be so located that they shall be preserved from obstructions and allow easy access thereto for reading and inspection, such locations to be designated by the director of public works. *(Ord. 748 §2, 1972; prior code §11.18).*

#### 16.04.180 - Fraudulent use of water—State statutes adopted.

- a) No by-pass or other connection between the meter and the main shall be made or maintained. If any consumer shall be found defrauding the utility, his service will be cut off without notice.
- b) Sections ~~943.20 (Theft ) and 98.25~~ of the Wisconsin Statutes, 1955, as ~~it applies they apply~~ to the supply of water service are hereby adopted and made a part of this chapter as though set forth in full herein.

*(Prior code §11.19).*

#### 16.04.190 - Service piping.

- a) In installing new service piping ~~(or changing service piping where consumers have been on a flat rate)~~ if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the meter. Where it is possible to set meters in the basement, ~~a short nipple~~ meter horn shall be inserted after the ~~stop and waste cock~~ main valve, ~~then a house valve on the opposite side of the meter horn shall be installed for maintenance. then a union and then another nipple and coupling of the proper~~

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length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the director of public works (he may require a horizontal run of eighteen inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.

- b) In the installation of new water services and in the replacement of old water services, no main house water supply line shall be smaller than 1 (one) inch, smaller than the size of the water main nipple shall be used, and in no case shall the size of such water supply line be smaller than three-quarters inch except where copper pipe is installed for such main house water supply line, in which case the inside diameter of such copper line shall be not less than one-eighth inch smaller than the meter nipple size.
- c) ~~No permit will be given to change from metered to flat rate service.~~ Water consumers are not permitted to interfere in any way with the meter after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the utility will render a bill for the current period based on an average of the last two periods. Such consumer will be liable to the penalty provided in Sections-943.20 (Theft) and ~~98.25 of the Wisconsin Statutes of 1955~~ for illegal use of water.
- d) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- e) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least twelve inches below and six inches over the pipe.
- e)f) All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

(Prior code §11.20).

### 16.04.200 - Meters—Repairs.

- a) Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- b) Any damage which a meter may sustain resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of either of them to properly secure and protect same, including any damage that may result from allowing the meter to become frozen or to be injured from hot water or steam setting back from a boiler, shall be paid to the utility by the consumer of the water or the owner of the premises.

(Prior code §11.21).

### 16.04.210 - Meters—Testing.

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a) Every meter installation must be thoroughly tested for accuracy of registration according to Public Service Commission ruling.

b) Every water consumer or utility patron shall be entitled to have their his meter retested by Public Service Commission ~~the utility at any time upon his conditional deposit of two (\$2) dollars per inch of nominal size or fraction thereof and such deposit shall be returned to him by the utility in case the retest shall show the meter to be over-registering by more than two (2%) percent; otherwise it shall be forfeited to the utility by the depositor. Such retest on the request of the consumer shall be made in his presence if desired by him.~~

b)

c) In the event that a water meter is found to be defective in its operation to the extent of an over-registration of more than two (2%) percent, the water utility shall adjust the consumer's billing in the following manner:

1. Consumer shall be billed in an amount equal to the amount charged for the service in the same time frame ~~identical quarter~~ of the previous year.

(Ord. 738 §3, 1972; Ord. 627 §1, 1969; prior code §11.22).

#### 16.04.215 - Multi-unit building regulations.

a) The owner or owners of proposed new multi-unit buildings (duplexes, townhouses, strip malls and other like structures) designed with separate entrance and living, work, or commercial area on the ground floor, will have an individual service to each living, work, or commercial unit, unless approved as in (b) below by the Director of Public Works. ~~In all cases, e~~ Each living, work, or commercial unit will be equipped with a curb stop and curb box adjacent to a public sidewalk, along with individual meter and remote reader. Each living, work, or commercial unit will be considered a separate utility customer.

b) Proposed new multi-unit buildings (apartment-house, high-rises, etc.) shall be supplied from a single large service with each unit separately plumbed and individually metered. All meters shall be contained in a separate locked room or area accessible to utility personnel. The room or area will be limited to utility personnel and owner to insure the integrity of the meter readings. Utility personnel and owner will be the only persons with a key to the room or area mentioned above.

(Ord. 1204 §1(part), 1991).

#### 16.04.216 - Division of services prohibited.

a) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies there from for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

b) The utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

(Ord. 1204 §1(part), 1991).

#### 16.04.220 - Unauthorized use of valves and hydrants—Penalty.

a) Any person who, without authority of the director of public works, operates any valve connected with a street or supply main, or open any fire hydrant connected with the distribution system except for the

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purpose of extinguishing fire, or who wantonly injures or impairs the same is guilty of a misdemeanor; and upon conviction thereof, he shall be subject to a fine of not less than ten (~~\$10.00~~) dollars or more than ~~five~~ one hundred (~~\$500+00.00~~) dollars, or imprisonment in the county jail for not less than ninety (90) days, or by both such fine and imprisonment.

a) ~~Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designed for such use.~~

- b) Only such persons as shall be authorized by the director of public works or by the chief of the fire department shall be permitted to take the hydrant wrenches or suffer them to be taken from any fire engine house except for fire purposes.

*(Prior code §11.23).*

#### **16.04.230 - Boilers—Failure of supply.**

Consumers taking water from supplying boilers for generating steam or for other general use and depending upon the water main pressure for supply will do so at their own risk, and the utility shall not be liable for any damages because of the lack of pressure or failure of supply. *(Prior code §11.24).*

#### **16.04.240 - Repairs to mains.**

The water utility reserves the right to shut off supply in the mains temporarily to make repairs, alterations, or additions to the works or pipes. When the circumstances will permit of sufficient delay, the utility will give notification ~~by newspaper publication or otherwise~~ of the discontinuance of the supply. No rebate or damages will be allowed to a consumer for such temporary suspension of supply. *(Prior code §11.25).*

#### **16.04.250 - Vacation of premises—Notice.**

When premises are to be vacated, the utility shall be notified in writing at once so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy ~~6.~~ *(Prior code §11.26).*

#### **16.04.260 - Penalty for violations.**

Any person who violates any provision of this chapter shall, upon conviction ~~therethereoffor~~, be subject to a penalty of not less than twenty-five (~~\$25.00~~) dollars nor more than ~~five~~ two hundred ~~ifty~~ (~~\$500250.00~~) dollars, together with costs of prosecution. *(Ord. 983 §65, 1982).*

#### **16.04.270 - Cost recovery of professional consultant fees and charges. \_\_\_\_\_**

- a) The city and authorized city bodies, commissions, boards, committees, officers, and employees may retain the services of professional consultants (including, but not limited to, planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the review of applications related to developments, zoning permit approvals, rezoning petitions, conditional use applications (or other zoning related requests) including, but not limited to, those being reviewed for consideration of approval by the director of Public Works.
- b) As part of the application process, the applicant shall be required to agree, in writing, to pay for said professional fees in accordance with policies in effect that are approved from time to time by the common council. The city may delay final action or approval of the associated request, until the applicant pays such fees or the required percentage thereof. Review fees that are charged to the applicant, but that are not paid, may then be imposed by the city as a special charge on the affected property.

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c) The private water main on private property is the responsibility of the land owner. All private service line replacements shall be performed by licensed contractors and conform to all applicable state and local codes, regulations and ordinances. In the event of an emergency break the landowner may authorize the city to repair the damages area. In doing so the land owner is responsible to pay for said professional services provided.

## Chapter 16.08 - WATER RATES AND CHARGES

### 16.08.010 - Water rates and charges in effect.

The water rates, charges, and operating rules in effect for the City of Whitewater shall be those established pursuant to the most recent rate order issued by the Public Service Commission of the State of Wisconsin for the City of Whitewater.

*(Ord. 1548A § 2, 2004).*

### 16.08.020 – Public Fire Protection Service

For public fire hydrant protection service to the City, the annual charge shall be as specified in the most current rate file, as available from the City issued by the Public Service Commission of the State of Wisconsin for the City of Whitewater.

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## **Chapter 16.12 - SEWER REGULATIONS**

### **16.12.010 - Sewer district.**

All of the territory embraced within the ~~city~~City shall constitute one (1) sewer district. (Prior code § 14.01).

### **16.12.011 - Management.**

The ~~city~~City ~~manager~~Manager or his appointee shall have the general management and supervision of the ~~city~~City sewer district and all matters connected therewith, and shall have the general power and authority to appoint all officers and employees of the sewer district, to make such rules and regulations for the management of the district as he shall from time to time find necessary for the safe, economical and efficient management of the sewer district; he shall have general supervision over the buildings, grounds, machinery, pipes and all matters connected therewith; and shall see that all ordinances, rules and regulations of the ~~common~~Common ~~council~~Council are complied with; that the conditions of all contracts by or with the district are faithfully complied with; that the assessments and service charges and other receipts are paid into the sanitary sewer account and that funds in the account are appropriated and disbursed as provided in [Chapter 16.16](#) of this code. (Ord. 776 § 1, 1973).

### **16.12.020 - Sewer ~~plan~~ Service Area.**

~~Plans~~The Sewer Service Area heretofore adopted by the ~~council~~Council ~~in the City of~~ Whitewater Comprehensive Plan and is ~~are~~ on file with the ~~city~~City ~~clerk~~Clerk. (Prior code § 14.02).

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### **16.12.030 - Sanitary sewers.**

For regulations as to plans, specifications, construction, cost, etc., see Section 62.18 of the Wisconsin Statutes ~~es for 1955~~. (Prior code § 14.03).

### **16.12.040 - Storm sewers.**

All storm sewers shall be constructed and maintained by the ~~city~~City, and the expense thereof shall be apportioned between the ~~city~~City and the benefited property as determined by the ~~common~~Common ~~council~~Council. Unless otherwise specifically provided by ordinance or resolution of the ~~council~~Council, all construction work on storm sewers shall be done directly by the ~~city~~City without submitting the same for bids. (Prior code § 14.04).

### **16.12.050 - Construction requirements.**

All sanitary sewers shall be constructed in compliance with the provisions and regulations of the Wisconsin State Plumbing Code. (Prior code § 14.05).

### **16.12.060 - Connection by ~~city~~City.**

The ~~plumbing city authorized~~ inspector ~~is required~~~~shall~~ ~~is authorized and required~~ to cause lateral water and sewer services, or either of them, to be laid and constructed from the respective mains to the curb line in all cases where the property owners make proper application for such work to be done; and ~~he~~ shall supervise and control the construction of all such installations. In

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all such cases the property owner shall pay to the ~~city~~ City the actual cost of such installation. *(Prior code §14.06).*

#### **16.12.070 - Habitable buildings—Connection required.**

All buildings used for human habitation and located adjacent to a sewer and water main, or in a block through which the systems extend, are required to be connected therewith in such manner as may be prescribed by the ~~City~~ board of public works. If any person fails to comply for more than ten (10) days after notice in writing, the ~~city~~ City may cause connection to be made and the expense thereof may be assessed as a special tax against the property. *(Prior code §14.07).*

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#### **16.12.080 - Depositing obstructive substances prohibited.**

No person having any sewer or drain connected with any portion of the public sewerage system of the ~~city~~ City shall deposit, or suffer to be deposited in such sewer or drain, any grease, garbage, rags, papers, or other substance likely to obstruct such public sewer, or to create a nuisance. *(Prior code §14.08).*

#### **16.12.090 - Downspouts—Connection prohibited.**

No person shall connect the downspouts of any building with any sanitary sewer. *(Prior code §14.09).*

#### **16.12.100 - Exhaust from steam engines prohibited.**

All exhausts from steam engines, and all blowoffs from steam boilers, shall be first connected with a proper catch basin, and in no case shall they be allowed to connect directly with any public sewer. *(Prior code §14.10).*

#### **16.12.110 - Injuries and obstructions prohibited.**

No person shall destroy or injure any culvert, drain, or sewer located in any street or public way, or obstruct the drainage or flow of water through the same. *(Prior code §14.11).*

#### **16.12.120 - Penalty for violations.**

Any person who violates any provision of this chapter shall, upon conviction therefore, be subject to a penalty of not less than twenty-five ~~(\$25.00)~~ dollars nor more than two hundred fifty ~~(\$250.00)~~ dollars, plus costs of prosecution for the first offense, and for second and subsequent offenses not less than fifty ~~(\$50.00)~~ dollars nor more than two hundred fifty ~~(\$250.00)~~ dollars, plus costs of prosecution. *(Ord. 983 §66, 1982).*

## Chapter 16.14 - SEWER USE CHARGES

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## ARTICLE I. - GENERAL PROVISIONS

### 16.14.005 - Authority.

This chapter is adopted under authority granted by Section 66.035 and Sec. 66.076, Wisconsin Statutes, and Chapter 16.12 of City of Whitewater Regulations.

*(Ord. 959 (part), 1980).*

### 16.14.010 - Short title.

The ordinance codified in this chapter shall be known as, referred to or cited as the "user charge and sewer use ordinance for the City of Whitewater, State of Wisconsin," and hereinafter referred to as "chapter."

*(Ord. 968 §1(part), 1981; Ord. 959 (part), 1980).*

### 16.14.015 - Findings and declaration of policy.

The ~~common~~ Common council ~~Council~~ finds that the requirements for the issuance of federal grants and the acceptance of such grants by the ~~city~~ City under Title II of the Federal Water Pollution Control Act Amendments of 1972, as amended, (Public Law 92-500, as amended) and the regulations of the U.S. Environmental Protection Agency, as promulgated in the February 11,

1974, Federal Register, Volume 39, Number 39, Part III, for the construction of waste treatment works to improve the City of Whitewater, establish:

- 1) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
- 2) The necessity of enacting regulations that control the use and inflow into waste treatment works.

The city-City shall maintain all records necessary to document and assure compliance with Title 40 CFR (Code of Federal Regulations) 35 subpart E and the Clean Water Fund (Wisconsin Administrative Code NR 162) as they apply to the requirements of the user charge system.

*(Ord. 1342 §1(part), 1996; Ord. 968 §1(part), 1981; Ord. 959 (part), 1980).*

#### **16.14.020 - Purpose and intent.**

The purpose of the chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the city-City and is designed to provide the legislative enactments required under Clean Water Act Public Law 92-500, as amended, and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of the chapter and to provide penalties for its violations. *(Ord. 959 (part), 1980).*

#### **16.14.025 - Effective date of ordinance.**

The ordinance codified in this chapter shall become effective after adoption by the common council of the city-City and publication or posting as provided by law. *(Ord. 959 (part), 1980).*

## **ARTICLE II. - DEFINITIONS**

#### **16.14.030 - Generally.**

For the purpose of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive. *(Ord. 959 (part), 1980).*

#### **16.14.035 - Accrued reserves.**

"Accrued reserves" means a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an ongoing, on-line waste treatment facility. *(Ord. 959 (part), 1980).*

#### **16.14.040 - Act.**

"Act" means the Federal Water Pollution Control Act Amendments of 1972, as amended, Clean Water Act Public Law 92-500, as amended, 33 U.S.C. Section 1251 et seq. (Supp. IV, 1974). *(Ord. 959 (part), 1980).*

#### **16.14.045 - Administrator.**

"Administrator" means the Regional Administrator of Region V of the U.S. Environmental Protection Agency. (Ord. 959 (part), 1980).

#### **16.14.046 - Amalgam separator.**

"Amalgam separator" means a device designed to remove waste amalgam (an alloy of mercury used in dental fillings) from rinse water in the vacuum lines of dental offices. Used to capture scrap amalgam too fine to be removed by a trap or screen. (Ord. No. 1745A, § 1, 9-15-2009; Ord. No. 1758A, § 3, 2-16-2011)

*Editor's note—* Ord. No. 1745A, § 1, adopted Sept. 15, 2009, incorrectly numbered the provisions for "Amalgam separator" as § 161.14.046. Ord. No. 1759A, § 3, adopted Feb. 16, 2011, renumbered § 161.14.046 as § 16.14.046

#### **16.14.047 - Ammonia nitrogen.**

"Ammonia nitrogen" means the quantity of ammonia nitrogen expressed in milligrams per liter (mg/l) as analyzed according to analytical methods described in Wisconsin Administrative Code NR 219. ~~Analytical Test Methods and Procedures.~~ Ammonia nitrogen is naturally present in wastewater. Ammonia nitrogen is produced largely by deamination of organic nitrogen containing compounds and by hydrolysis of urea. (Ord. 1342 §1(part), 1996).

#### **16.14.050 - Audit.**

"Audit" means an audit as a separate report from other funds and shall cover the following:

- 1) Financial operations are properly conducted;
- 2) Financial reports are presented fairly;
- 3) Applicable laws and regulations have been complied with;
- 4) Resources are managed and used in an economical and efficient manner; and
- 5) Desired results and objectives are being achieved in a financially effective manner.

(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

#### **16.14.055 - Authorized expenditures.**

"Authorized expenditures" means those expenditures authorized by the ~~city~~ City and made payable from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from the reserve funds shall be limited to those for which the fund was created. (Ord. 959 (part), 1980).

#### **16.14.056 - Reserved.**

*Editor's note—* Ord. No. 1758A, § 1, adopted Feb. 16, 2010, renumbered § 16.14.056 as § 16.14.576. This historical notation has been preserved for reference purposes.

#### **16.14.057 - Reserved.**

*Editor's note—* Ord. No. 1758A, § 2, adopted Feb. 16, 2010, renumbered § 16.14.057 as § 16.14.577. This historical notation has been preserved for reference purposes.

#### **16.14.060 - Billable biochemical oxygen demand (BOD).**

"Billable biochemical oxygen demand (BOD)" means a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the

city manager or the appointee. Minimum waste strength of BOD shall be the domestic waste concentration of three hundred milligrams per liter for the purpose of billing for user charges. (Ord. 959 (part), 1980).

#### 16.14.065 - Billable flow.

"Billable flow" means a user's recorded ~~quarterly~~-water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer exempt metered data, times the city-City approved percentage factor for wastewater entering the sewer system out of the metered water. ~~Residential users billed for the summer quarter shall be billed on the average of the user's previous nonsummer billable flows as determined by the city-City manager.~~ Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class. (Ord. 959 (part), 1980).

#### 16.14.070 - Billable total suspended solids (TSS).

"Billable total suspended solids (TSS)" means a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the city-City manager. Minimum waste strength of TSS shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges. (Ord. 959 (part), 1980).

#### 16.14.075 - Biochemical oxygen demand (BOD).

"Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.

~~means the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade.~~ (Ord. 959 (part), 1980).

#### 16.14.080 - Building drain, sanitary.

"Sanitary building drain" means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins outside of the foundation wall of any three feet outside the building wall. (Ord. 959 (part), 1980).

#### 16.14.085 - Building drain, storm.

"Storm building drain" means that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which begins outside of the foundation wall of any ~~three (3) feet~~ outside the building wall. (Ord. 959 (part), 1980).

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**16.14.090 - Building sewer, sanitary.**

"Sanitary building sewer" shall mean a sanitary sewer which begins at the immediate outside of the foundation wall of any building or structure being served, and ends at its connection and ends at with a the public community sewer or interceptor, including the connection device. means the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection. (Ord. 959 (part), 1980).

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**16.14.095 - Building sewer, storm.**

"Storm building sewer" means the extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection. (Ord. 959 (part), 1980).

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**16.14.097 - Carbonaceous Biochemical Oxygen Demand (CBOD) Building sewer, storm.**

"Carbonaceous Biochemical Oxygen Demand (CBOD)" shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure analytical, shall procedure, beshall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.

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**16.14.100 - Classes of users.**

"Classes of users" means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental. (Ord. 959 (part), 1980).

**16.14.105 - Collection sewer.**

"Collection sewer" means a sewer whose primary purpose is to collect wastewaters from individual point source discharges. (Ord. 959 (part), 1980).

~~16.14.110 - Combined sewage.~~

~~"Combined sewage" means a combination of both wastewater and storm or surface water. (Ord. 959 (part), 1980).~~

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**16.14.115 - Combined sewer.**

"Combined sewer" shall mean a sewer designed to receive or receiving both wastewater and storm or surface water. means a sewer intended to receive both wastewater and storm or surface water. (Ord. 959 (part), 1980).

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~~16.14.120 - Commercial user.~~

~~"Commercial user" means, for the purpose of the user charge system, a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service. (Ord. 959 (part), 1980).~~

**16.14.125 - Compatible pollutant.**

"Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, or fecal

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Coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the ~~District~~ for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

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**means ammonia nitrogen, biochemical oxygen demand (BOD), suspended solids (SS), pH, phosphorous, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.** (Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

### 16.14.130 - Deposited.

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"Deposited" means placing funds in control of the ~~common~~ Common council Council of the city City and, if said deposit is in the form of a bank check, deposit shall not be deemed, collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

(Ord. 959 (part), 1980).

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### 16.14.135 - Depreciation.

"Depreciation" means an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties. (Ord. 959 (part), 1980).

### 16.14.140 - Dissolved solids.

"Dissolved solids" means that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

(Ord. 959 (part), 1980).

### 16.14.145 - Domestic level user or residential user.

"Domestic level user or residential user" means, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one (1) or more persons and whose wastes originate from the normal living activities of its inhabitants. (Ord. 959 (part), 1980).

### 16.14.150 - Easement.

"Easement" means an acquired legal right, less than fee simple, for the specific use of land owned by others. (Ord. 959 (part), 1980).

### 16.14.155 - Fecal coliform.

"Fecal coliform" means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution. (Ord. 959 (part), 1980).

### 16.14.158 - Federal Act.

"Federal Act" shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et seq., as amended, known as the Clean Water Act or as implemented by Wis. Stat. chs. 281 and 283, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapters 281 and 283, as

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well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

#### **16.14.160 - Floatable oil.**

"Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. ~~A-W~~ wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city. *(Ord. 959 (part), 1980).*

#### **16.14.1630 - Flow Proportional Sample.**

"Flow Proportional Sample or Composite Sample" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

#### **16.14.165 - Force main.**

"Force main" means a pipe in which wastewater is carried under pressure. *(Ord. 959 (part), 1980).*

#### **16.14.170 - Functional betterment.**

"Functional betterment" means a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis. *(Ord. 959 (part), 1980).*

#### **16.14.175 - Functional obsolescence.**

"Functional obsolescence" means the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost effective. *(Ord. 959 (part), 1980).*

#### **16.14.180 - Garbage.**

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage, and sale of produce. *(Ord. 959 (part), 1980).*

#### **16.14.181 - Good Working Condition.**

"Good Working Condition" shall mean capable of performing the task for which it was designed.

#### **16.14.181-183 - Grease interceptor.**

"Grease interceptor", also referred to as "grease trap" means a receptacle designed to reduce, retain and/or remove greases, oils and fatty substances prior to discharge into the public sanitary sewerage system. Grease interceptors can be located on the interior or exterior of a building dependent on individual requirements. *(Ord. No. 1745A, § 1, 9-15-2009)*

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### 16.14.184 – Holding Tank Waste.

~~“Holding Tank Waste” shall mean the scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and privies and other temporary holding facilities, and shall include wastes from a soil absorption field. Such term is synonymous with the term septage. The term does not include septage the waste or from a grease trap waste.~~

### 16.14.185 - Incompatible pollutant.

"Incompatible pollutant" means any nontreatable waste product including nonbiodegradable dissolved solids. (Ord. 959 (part), 1980).

### 16.14.195 - Industrial user.

"Industrial user" means, for the purpose of the user charge system, a manufacturing or processing facility which is engaged in a production or profitmaking venture. (Ord. 968 §1(part), 1981; Ord. 959 (part), 1980).

### 16.14.200 - Infiltration.

~~"Infiltration" shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:~~

~~inhibits or disrupts wastewater treatment processes or operations or the sludge processes, use or disposal; and~~

~~therefore is a cause of a violation of any requirement of the District's WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under:~~

~~Section 405 of the Clean Water Act;~~

~~The Solid Waste Disposal Act (including the Resource Conservation and Recovery Act);~~

~~The Clean Air Act;~~

~~The Toxic Substances Control Act, and~~

~~The Marine Protection Research and Sanctuaries Act. Licensed Disposer or Licensed Hauler shall mean a person holding a license under Wis. Stat. § 146.20(3)(a).~~

~~It means the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow. (Ord. 959 (part), 1980).~~

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#### 16.14.205 - Infiltration/inflow.

"Infiltration/inflow" means the total quantity of water from both infiltration and inflow without distinguishing the source. (Ord. 959 (part), 1980).

#### 16.14.210 - Inflow.

"Inflow" means the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; stormwaters; surface runoff; street wash waters or drainage. Inflow does not include and is distinguishable from, infiltration. (Ord. 959 (part), 1980).

#### 16.14.215 - Interceptor sewer.

"Interceptor sewer" means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility. (Ord. 959 (part), 1980).

#### 16.14.217 - National Categorical Pretreatment Standards.

"National Categorical Pretreatment Standards" shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U. S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

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#### 16.14.220 - National Pollutant Discharge Elimination permit.

"National Pollutant Discharge Elimination permit" means a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500 Clean Water Act, as amended. (Ord. 959 (part), 1980).

#### 16.14.225 - Natural outlet.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water. (Ord. 959 (part), 1980).

#### 16.14.227 - New Source.

New Source shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:

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- The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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~~The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.~~

#### 16.14.230 - Normal domestic strength sewage.

"Normal domestic strength sewage," as defined for the purposes of the chapter, means wastewater or sewage having an average daily suspended solids (SS) concentration of not more than three (300) hundred milligrams per liter, an average daily biochemical oxygen demand (BOD) concentration of not more than three (300) hundred milligrams per liter, a total phosphorous concentration of not more than twelve (12) milligrams per liter, and an ammonia nitrogen concentration of not more than thirty milligrams per liter. (Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

#### 16.14.232 - On-Site Plumbing System Maintenance.

~~"On-Site Plumbing System Maintenance"-. The on-site plumbing system for commercial and multi-unit residential properties shall be maintained by, and at the expense of the property owner; including cleaning of the system due to grease related discharges. All jetted material must be removed at the nearest downstream manhole. Chemical cleaning of sewer lines is prohibited, except in conjunction with a jetting operation.~~

#### 16.14.235 - Operation and maintenance costs.

"Operation and maintenance costs" includes all costs, direct and indirect, including debt service and inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management. (Ord. 959 (part), 1980).

#### 16.14.240 - Person.

"Person" means any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility. (Ord. 959 (part), 1980).

#### 16.14.245 - Personal property.

"Personal property" means, for the purpose of the user charge system, all equipment owned by the city, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic or electrical or have movable parts. (Ord. 959 (part), 1980).

#### 16.14.250 - pH.

"pH" means the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. (Ord. 959 (part), 1980).

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#### 16.14.252 - Phosphorous, total.

"Total phosphorous" means the quantity of phosphorous expressed in milligrams per liter (mg/l) as analyzed according to analytical methods described in Wisconsin Administrative Code NR 219 ~~Analytical Test Methods and Procedures~~. Phosphorous is a naturally occurring nutrient and is essential to the growth of organisms. (Ord. 1342 §1(part), 1996).

#### 16.14.255 - Physical betterment.

"Physical betterment" means the expansion of a physical facility to increase capacity of the treatment works. (Ord. 959 (part), 1980).

#### 16.14.260 - Physical obsolescence.

"Physical obsolescence" means the material deficiency of a functional element of a treatment plant to a point that repair as normal or preventive maintenance is not cost-benefit effective. (Ord. 959 (part), 1980).

#### 16.14.265 - Pretreatment.

~~"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.~~

~~"Pretreatment" means the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works. (Ord. 959 (part), 1980).~~

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#### 16.14.270 - Private sewer main.

"Private sewer main" means a sewer which is not owned or maintained by the city. (Ord. 959 (part), 1980).

#### 16.14.275 - Public sewer main.

"Public sewer main" means a sewer which is owned and controlled by the ~~city~~ City and is separate from and does not include sewers owned by other governmental units. (Ord. 959 (part), 1980).

#### 16.14.2757 - Public sewerage System.

~~Public Sewerage System shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.~~

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#### 16.14.280 - Pumping station.

"Pumping station" also known as "Lift station" means a station positioned in the public sewer system at which wastewater is pumped to a higher level. (Ord. 959 (part), 1980).

### 16.14.285 - Real property.

"Real property" means, for the purpose of the user charge, all fixed physical facilities owned by the city and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like. (Ord. 959 (part), 1980).

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### 16.14.287 - Representative Sample.

"Representative Sample" shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible. If an industrial process does not operate for twenty four (24) hours per day, the sample shall be collected during the time the process is discharging wastewater. Samples to be analyzed for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics shall be grab samples. An industrial user may use another sampling method if it demonstrates and certifies to the District's satisfaction that it is more representative than flow proportional sampling.

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### 16.14.290 - Renewal costs.

"Renewal costs" means the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life. (Ord. 959 (part), 1980).

### 16.14.295 - Replacement costs.

"Replacement costs" means the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance costs," as defined in [Section 16.14.2355](#), includes replacement costs. (Ord. 959 (part), 1980).

### 16.14.300 - Replacement reserve.

"Replacement reserve" means an account for the segregation of resources to meet capital consumption of personal or real property. (Ord. 959 (part), 1980).

### 16.14.309-307 - Sand interceptor.

"Sand interceptor" means a receptacle designed to intercept and retain sand, grit, earth and other similar solids prior to discharge into the public sanitary sewerage system. Often termed a car wash interceptor. (Ord. No. 1745A, § 1, 9-15-2009; Ord. No. 1759A, § 4, 2-26-2011)

*Editor's note— Ord. No. 1745A, § 1, adopted Sept. 15, 2009, incorrectly numbered the provisions for "Sand interceptor" as § 161.14.309. Ord. No. 1758A, § 4, adopted Feb. 16, 2011, renumbered § 161.14.309 as § 16.14.309*

### 16.14.309 - Sanitary Lateral Sewer.

"Sanitary Lateral Sewer" shall mean a sanitary sewer which begins at the outside of the foundation wall of any building or structure being served, and ends at the public sewer or interceptor, including the connection device. This is also known as a house connection. shall mean that portion

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of the private sanitary building sewer between the main of the public sanitary sewer and the property line.



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#### 16.14.310 - Sanitary sewer.

"Sanitary sewer" means a sewer which carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted. (Ord. 959 (part), 1980).

#### 16.14.315 - Sewage.

1) "Sewage" means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

— "Sanitary sewage" means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

2)           

2) "Industrial sewage" means a combination of liquid and water-carried wastes discharged from any trade or process carried on in that establishment and includes the wastes from pretreatment facilities and polluted cooling water.

3) "Combined sewage"

4) "Combined sewage" means a combination of both wastewater and storm or surface water.

(Ord. 959 (part), 1980).

3) means wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(Ord. 959 (part), 1980).

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#### 16.14.320 - Shredded garbage.

"Shredded garbage" ~~Also known as waste from a garbage disposal, is means~~ garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.25 centimeters) in any dimension. (Ord. 959 (part), 1980).

#### 16.14.325 - Significant industry.

"Significant industry" means any industry that will contribute greater than ten (10%) percent of the design flow and/or design pollutant loading of the treatment works. (Ord. 959 (part), 1980).

#### 16.14.330 - Slug.

"Slug" means any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) -times the allowable concentration or flows during a normal working day (i.e., one-, two- or three-shift operations) and shall adversely affect the collection system and/or performance of the wastewater treatment works. (Ord. 959 (part), 1980).

#### 16.14.335 - Standard methods.

"Standard methods" ~~means the laboratory procedures set forth in the following sources: shall mean the examination and analytical procedures set forth in the most recent edition of~~ "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", all as amended from time to time.

~~Standard Methods for the Examination of Water and Wastewater, 13th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, 1971, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 C.F.R. & 136.1 et seq. (1975), as amended and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Department of Natural Resources.~~ (Ord. 959 (part), 1980).

#### 16.14.340 - Storm sewer.

"Storm sewer" means a sewer that carries only stormwaters, surface runoff, street wash and drainage and to which sanitary and/or industrial wastes are not intentionally admitted. (Ord. 959 (part), 1980).

#### 16.14.345 - Summer quarter.

~~"Summer quarter" means the user's quarter starting in June, July or August and ending accordingly in August, September, or October.~~ (Ord. 959 (part), 1980).

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#### 16.14.350 - Suspended solids (SS) or total suspended solids (TSS).

"Suspended solids (SS)" or "total suspended solids (TSS)" means shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, other liquids and is removable by laboratory filtration as prescribed in the Standard Methods, enumerated in Section 16.14.335. (Ord. 959 (part), 1980).

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#### 16.14.355 - Total solids.

"Total solids" means the sum of suspended and dissolved solids. (Ord. 959 (part), 1980).

#### 16.14.360 - Toxic amount.

"Toxic amount" means concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Clean Water Act Section 307(a) of Public Law 92-500, as amended. (Ord. 959 (part), 1980).

#### 16.14.3630 - Total Kjeldahl Nitrogen (TKN).

"Total Kjeldahl Nitrogen (TKN)" shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

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#### 16.14.3640 - Total Phosphorus (TP).

"Total Phosphorus (TP)" shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

#### 16.14.365 - Unpolluted water.

"Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. 959 (part), 1980).

#### 16.14.370 - Useful life.

"Useful life" means the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect. (Ord. 959 (part), 1980).

#### **16.14.375 - User charge system.**

"User charge system" means the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities. *(Ord. 959 (part), 1980).*

#### **16.14.380 - Volatile organic matter.**

"Volatile organic matter" means the material in the sewage solids transformed to gases or vapors when heated at five hundred degrees centigrade for fifteen minutes. *(Ord. 959 (part), 1980).*

#### **16.14.385 - Wastewater treatment works.**

"Wastewater treatment works" means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes, and to dispose of the effluent and accumulated residual solids. *(Ord. 959 (part), 1980).*

#### **16.14.390 - Watercourse.**

"Watercourse" means a natural or artificial channel for the passage of water, either continuously or intermittently. *(Ord. 959 (part), 1980).*

#### **16.14.395 - Waterworks.**

"Waterworks" means all facilities for water supply, treatment, storage, reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water. *(Ord. 959 (part), 1980).*

### **ARTICLE III. - REVENUES**

#### **16.14.400 - Establishment of revenue system.**

- a) A user charge shall be assessed to all users by the ~~city~~ City in accordance with the provisions of this chapter.
- b) Ad valorem taxes and unit charges levied by ordinance for the operation, maintenance and replacement of ~~city~~ City sewers and sewage works are repealed.
- c) The ~~City~~ City shall, under applicable statutes of the state and ~~city~~ City ordinances, have the ability to issue ~~revenue~~ revenue bonds for the replacement and new construction of the works of the system. *(Ord. 1342 §1(part), 1996; Ord. 968 §1(part), 1981; Ord. 959 (part), 1980).*

#### **16.14.405 - User charge system—Budget and appropriation.**

The city manager shall annually prepare a budget estimating revenues and expenses for the operation of the sewer utility system. This budget shall be presented to the common council for review and approval ~~each year in November, preceding the calendar year.~~ If the approved budget requires a change in the user charges, the rate changes will be accomplished in the form of a resolution adopted by the common council. The common council may revise the budget or user charges at other times as necessary. *(Ord. 1073 §1, 1986).*

#### 16.14.410 - User charge system—Operation and maintenance charges.

- a) Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, ammonia nitrogen, phosphorous and customer-related. The percentage breakdown shall be reviewed each year by the city manager and approved by the common council.
- b) Operation and maintenance costs for flow, BOD, TSS, phosphorous and ammonia nitrogen are totaled for each year. The unit charges for each are totaled for each year. The unit charges for each are obtained by dividing the total costs by the total billable flow in thousands of gallons, billable pounds of BOD, TSS, phosphorous and ammonia nitrogen. The monitoring unit charge is obtained by dividing the total nontoxic sampling/analysis costs for all classes of industrial users in user class times the number of samplings/analyses per year for that user class. (Ord. 1342 §1(part), 1996; Ord. 1073 §2, 1986).

#### 16.14.415 - User charge system—Replacement charges.

- a) The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the cityCity, as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the city managerCity in cooperation with the city's City's auditors, in accordance with experience of the cityCity, federal guidelines and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventive maintenance programs or repairs.

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- ~~b) Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, TSS, phosphorous and ammonia nitrogen and customer charge. This breakdown shall be reviewed annually and revised by common council resolution as required.~~

- ~~c) The yearly replacement costs attributable to flow, BOD and TSS, ammonia nitrogen and phosphorous and number of connections respectively shall be divided by the previous year's total billable flow in thousands of gallons, billable pounds of BOD, TSS and ammonia nitrogen and phosphorous respectively, and totaled to obtain unit replacement charges.~~

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(Ord. 1342 §1(part), 1996; Ord. 1073 1986).

#### 16.14.420 - User charge system—Handling and sampling charges.

A unit handling charge per bill to cover the cost of billing and collection shall be assessed against each user. The total administrative and overhead costs associated with billing and

collection shall be determined by the ~~city manager~~City. To determine the charge to be assessed against each user, the ~~city manager~~City will divide the total administrative and overhead costs by the forthcoming year's estimated total number of bills to be issued. ~~Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring proportionate to the number of times per year their user class is sampled. This additional amount shall be determined as described in Section 16.14.410(b).~~ (Ord. 959 (part), 1980).

#### **16.14.425 - User charge system—Additional charges.**

Additional charges shall be billed, as required, for the following:

- 1) Actual costs incurred for user-requested samplings and analysis;
- 2) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance;
- 3) Actual costs incurred for special handling not provided for elsewhere in the chapter;
- 4) Actual costs incurred for handling a user's check returned because of insufficient funds;
- 5) Any user that is determined or found to discharge any toxic pollutant(s) ~~(-or listed in 16.14.575)~~ into the conveyance or treatment facility system shall pay a ~~fee~~fine levied by the city manager, the minimum to be five hundred dollars, ~~and associated maintenance cost per event. to adequately pay for any increased operation, maintenance and replacement costs resulting from the discharge.~~

(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

#### **16.14.440 - Connection charge.**

Any new connections made to the sanitary sewer system shall be charged a one-time connection fee. The connection fee to be charged is based on the number of residential equivalent units (REU). An REU is calculated on a density of 2.75 persons per family unit, with a total flow of two hundred seventy-five ~~(275)~~ gallons a day.

- a) Residential customers will be charged a connection fee based on the following:
  - 1) Single-family residence would be one REU;
  - 2) A duplex would be two ~~(2)~~ -REU's, etc.;
  - 3) Multiple-family units, which do not have individual laundry facilities shall be established at seventy-five ~~(75%)~~ percent of a single-family residence or one REU.  
~~Add example of calculation~~
- ~~b)~~ Nonresidential customers will be charged a connection fee based on the number of REU's for each facility or unit, but as a minimum the fee shall be no less than that charged for a single-family unit or one REU. The customer will provide a calculated daily water usage, the calculation will be verified by city staff, ~~and~~ the daily water usage will be divided by

two hundred seventy-five (275) gallons per day to determine the number of REU's. ~~Add example of calculation~~

~~e)b) The basis for the connection fee value will be as follows: The connection fee would be determined by taking the total value of connecting sewers from the audit report and dividing this amount by the number of REU's the treatment plant can treat based on capacity. This fee shall be established by a rate study and affirmed by affirmed by council resolution. Add example of calculation~~

~~c) Payment shall be made prior to connection to the sewer system.~~

~~(Ord. 1384 §1, 1997; Ord. 1342 §1(part), 1996; Ord. 1073 §4, 1986).~~ \_\_\_\_\_

#### **16.14.450 - Wastewater treatment charges—All users.**

The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance and replacement, using the unit charges from Sections [16.14.410](#) and [16.14.415](#) of this chapter, and user charges for billing and collection as described in [Section 16.14.420](#) of this chapter. ~~The unit charges shall be applied to the user's billable flow, BOD, TSS, phosphorous and ammonia nitrogen respectively.~~ (Ord. 1342 §1(part), 1996; Ord. 1073 §5, 1986).

#### **16.14.455 - Wastewater treatment charges—Industrial and commercial users.**

a) In addition to the basic wastewater treatment bill described in [Section 16.14.450](#) for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in [Section 16.14.420](#)

b) The ~~city~~ City shall periodically sample and analyze wastes from selected user's classification to determine the BOD and TSS strengths of the wastes from all users in that classification for billing purposes unless the user's waste is classified by the ~~city~~ City manager as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the ~~city~~ City manager as having special problems shall, ~~if directed by the city manager,~~ install, at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required ~~by the city manager to obtain exact information about the waste.~~ (Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

#### **~~16.14.460 - Wastewater treatment charges—Additional charges.~~**

~~Additional charges as described in [Section 16.14.425](#) shall, if required, be listed on the wastewater treatment bill.~~ (Ord. 959 (part), 1980).

#### **16.14.465 - Credits for water not reaching sewerage system.**

The summer month's sewer use is based on a winter month consumption plus a set percentage. A higher consumption credit for extenuating circumstance such as leaks in a water service may be charged at a ~~reduced~~ rate. If a portion of the water furnished to any premises is not

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discharged into the sewage system, the amount of such water ~~can be~~ will be deducted in computing the sewerage service charge, provided a separate meter is installed. The property owner desiring to install such separate meter shall make application and payment ~~for the meter to the waterworks superintendent to the City~~ and engage a plumber to make the ~~required~~necessary piping changes ~~and install the couplings so that the meter may be set.~~ (Ord. 1342 §1(part), 1996).

#### 16.14.470 - Wastewater treatment bills—Period.

A bill shall be produced and submitted to each user ~~on a monthly basis~~ no less frequently, than ~~once each quarter on a billing cycle established by the city manager. Customers whose bill averages more than forty thousand dollars per year shall be billed monthly.~~ (Ord. 1342 §1(part), 1996; Ord. 1073 §6, 1986).

#### 16.14.475 - Wastewater treatment bills—Payment.

The bill shall be due in full, taking into consideration a grace period ~~to cover handling time~~ by the ~~collecting agent~~ City. (Ord 959 (part), 1980).

#### 16.14.480 - Wastewater treatment bills—Delinquent.

~~a) Any bill not paid within twenty (20) days after date of billing shall be declared delinquent and a reminder notice issued to the billed party. The reminder notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the reminder notice. Additional past due notices containing their respective handling charges shall be issued, if necessary, eight weeks and twelve weeks after date of billing.~~

~~a)~~

~~b) Should a bill still be delinquent one hundred twenty days after the date of billing, the bill shall be referred to the city attorney for collection under the terms and conditions of Sections 16.14.840 through 16.14.865. Any balance incurred before September and not paid by November 15<sup>th</sup> will be assed to the property ~~owners~~owner's real estate tax bill along with a 10% tax assessment fee.~~

~~b)~~

~~c) Nonreceipt of any bill described in Sections 16.14.450 through 16.14.465 shall not release the use of liability for any of those charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions described in this chapter for late payment and penalties shall apply. In those instances where the ~~city~~ City is responsible for the nonreceipt of the bill, the ~~city~~ City may, at its discretion, grant the user an extension of the discount period and late payment conditions described in this chapter.~~ (Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).

#### 16.14.485 - Debt service.

User charge revenues shall continue to be collected for all debt service and/or revenue bond obligations of the waste treatment works.

(Ord. 1342 §1(part), 1996; Ord. 959 (part) 1980).

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## ARTICLE IV. - ACCOUNTING

### 16.14.490 - User charges—Disposition of funds.

All user charge moneys shall be placed in the utility's general fund. ~~Such moneys shall be used only to cover the costs of operation and maintenance, replacement, handling and sampling, and other costs as outlined in Sections 16.14.405 through 16.14.425.~~ *(Ord. 959 (part), 1980).*

### 16.14.495 - User charges—Expenditures.

Expenditures shall be made ~~from the user charge moneys by the city manager~~ in accordance with the ~~detailed~~ annual budget and ordinances authorized by the city. *(Ord. 959 (part), 1980).*

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### 16.14.500 - User charges—Replacement reserve expenditures.

Expenditures from the accrued replacement reserve ~~accounts on facilities~~ shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life. *(Ord. 959 (part), 1980).*

### 16.14.505 - User charges—Renewals.

Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements. *(Ord. 959 (part), 1980).*

### 16.14.510 - User charges—Audit.

- a) An audit shall be performed annually by a certified public accountant selected by the ~~city~~City.
- b) Users shall be notified annually as to the portion of charges attributable to wastewater treatment services.

*(Ord. 959 (part), 1980).*

### 16.14.515 - User charges—Excess revenue.

Any excess or deficit in revenues collected in a fiscal year from a particular user ~~class, defined by this chapter~~, shall be taken into consideration whenever rates are reviewed and/or revised.

*(Ord. 1073 §7, 1986).*

## ARTICLE V. - SEWAGE COLLECTION AND TREATMENT REGULATIONS

#### **16.14.530 - Discharge conditions—Contents.**

Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with ~~federal and state statutes and state~~ Federal and State statutes and State administrative regulations and approved by the Department of Natural Resources.

*(Ord. 959 (part), 1980).*

#### **16.14.535 - Discharge conditions—Buildings to be located within ~~city~~City.**

No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the ~~city~~City except as provided in Sections 16.14.815 and 16.14.820.

*(Ord. 959 (part), 1980).*

#### **16.14.540 - Discharge conditions—Adequate holding facilities.**

No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged upon public or privately owned property any wastewaters within the corporate limits of the ~~city~~City unless done so within adequately sized holding facilities approved by all applicable ~~federal, state and local~~ Federal, State and Local agencies.

*(Ord. 959 (part), 1980).*

#### **16.14.545 - Discharge conditions—Approved connections.**

No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this chapter.

*(Ord. 959 (part), 1980).*

#### **16.14.550 - Discharge conditions—Approved waste treatment.**

No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the contents of such waste discharge in accordance with applicable ~~city, state and federal~~ City, State and Federal laws, ordinances and regulations.

*(Ord. 959 (part), 1980).*

#### **16.14.555 - Discharge conditions—~~N~~WPDES permit—When required.**

In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the city an approved ~~National~~ Wisconsin Pollutant Discharge Elimination System (~~N~~WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The ~~N~~WPDES permit shall be kept on file with the ~~city~~City manager and updated by such information as periodically required by the ~~city, local, state and/or federal~~ City, Local, State and/or Federal agencies.

*(Ord. 959 (part), 1980).*

#### **16.14.560 - Discharge conditions—Residential toilet and waste disposal facilities.**

Any person owning property within the corporate limits of the ~~city~~City, when the property is improved with one or more residences, houses, buildings or structures for or intended for human use, occupancy, employment or any other similar purpose whatever, and the property abuts on any street, alley or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within ninety (90) days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this chapter; provided, however, that in the event compliance with this section causes economic hardship to the person, he may apply to the city for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this chapter shall be made only if the ~~city~~City determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

*(Ord. 959 (part), 1980).*

#### **16.14.565 - Discharge conditions—Avoiding connection prohibited when.**

Persons described in Sections 16.14.550 through 16.14.560 shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

*(Ord. 959 (part), 1980).*

#### **16.14.570 - Discharge limitations—Natural liquids.**

No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the ~~city's~~City's waste treatment plant.

*(Ord. 959 (part), 1980).*

#### **16.14.575 - Discharge limitations—Industrial liquids and solids.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the ~~city's~~City's treatment plant:

- 1) Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with regulations pertaining to the treatment standards;
- 2) Any waters or wastes which may contain more than one hundred (100) milligrams per liter by weight of fat, oil, grease, or hexane extractable material;
- 3) Gasoline, benzene, naphtha, fuel oil or other combustible, flammable or explosive liquid, solid, or gas of whatsoever kind or nature except as approved by the ~~city~~City manager;

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- 4) Any garbage that has not been properly shredded;
- 5) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- 6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works;
- 7) Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that would create any hazard in the receiving waters of the sewage treatment plant (See Section 16.14.425);
- 8) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the ~~city~~City, which agreement may provide for special charges, payments, or provisions for treating and testing equipment;
- 9) Any noxious or malodorous gas or substance capable of creating a public nuisance;
- 10) Any amount of the following constituents exceeding that listed below, in milligrams per liter:
  - A. Aluminum, 800.0,
  - B. Arsenic, 0.25,
  - C. Barium, 2.0,
  - D. Boron, 1.0,
  - E. Cadmium, 2.0,
  - F. Chlorides, 700.0,
  - G. Chromium, total, 21.8,
  - H. Chromium (hexavalent), 3.6,
  - I. Copper, 17.6,
  - J. Cyanide, 1.2,
  - K. Fluorides, 2.5,
  - L. Iron, total, 56.0,
  - M. Lead, 1.5,
  - N. Manganese, 1.0,
  - O. Mercury, 0.0005,

- P. Nickel, 6.7,
- Q. Phenols, 0.3,
- R. Selenium, 1.0,
- S. Silver, 0.1,
- T. Total dissolved solids, 1500.0,
- U. Zinc, 16.5;

11) Ammonia nitrogen in such an amount that would cause the ~~city~~ City to be in noncompliance with regulations of the Department of Natural Resources.

12) No provision of Sections 16.14.570 and 16.14.575 shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the U.S. Environmental Protection Agency or the Department of Natural Resources.

*(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).*

#### **16.14.576 - Amalgam separators—General conditions.**

This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxilla-facial surgery, endodontics, or prosthodontics, then this section does not apply. Within the shortest reasonable time, but not later than six (6) months from the passage of this section, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system. In addition, all dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association (WDA).

- 1) On or before one year from the passage of this section, each dental office shall submit a report to the city clerk that certifies the implementation of the management practices established by the WDA and identifies the contractors used to remove amalgam waste within the last twelve months.
- 2) On or before three (3) months from the passage of this section, each dental office shall provide a schedule for the installation of the required amalgam separator(s).
- 3) On or before six (6) months from the passage of this section, each dental office shall provide a report providing the following information:
  - A. If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer and the model name.

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B. If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide the installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.

- 4) If a dental office has provided a report according to subsection ~~(3)~~B., then the dental office shall notify the City of Whitewater within five (5) days after completion of the installation.
- 5) The city shall provide a form for reporting the information required by subsections (1) and (3).
- 6) Dental offices shall obtain records for each shipment from the contractors used to remove amalgam waste showing: the volume or mass of amalgam waste shipped; the name and address of the destination, and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the city-City for inspection and copying upon request from the city-City.
- 7) Dental offices shall allow the city-City to inspect the vacuum system, amalgam separator, and amalgam waste storage areas upon request.
- 8) Inspections shall occur during the normal operating schedule of the dental office. The city shall inspect dental offices according to appointments made in advance, as long as this advance notice does not impede enforcement of this section.
- 9) If a dental office is implementing the management practices required by subsection (1) and is operating and maintaining the amalgam separator as required, the numerical discharge limit for mercury established in any other section of this chapter does not apply.

*(Ord. No. 1744A, § 1, 9-15-2009)  
Editor's note— See § 16.14.056 note.*

#### **16.14.577 - Amalgam separators—Maintenance.**

To maintain proper discharge quality from amalgam separators, a maintenance report will be required to be submitted on an annual basis on or before May 1st of each year. This report shall contain a summary of any issues related to the amalgam unit maintenance and operation, including dates and names of contractor(s) doing the service, along with all relevant receipts generated in the recycling of amalgam waste in the previous twelve (12) months. Examples of these receipts would be:

- 1) ~~vendor~~Vendor providing the recycling container,
- 2) ~~vendor~~Vendor providing the recycling service (certification of recycling),
- 3) ~~initial~~Initial recipient of amalgam waste.

*(Ord. No. 1744A, § 1, 9-15-2009)  
Editor's note— See § 16.14.057 note.*

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#### 16.14.580 - Grease, oil and sand interceptors—Installation.

The requirement to install grease, oil or sand interceptors (grease traps) is set forth in the DSPS 382-382 Wisconsin Dept. of Commerce Administrative Code (DCOM 82.34). Units shall be installed by the user at their expense in according with to state plumbing code this standards. The city will require interceptor permits (no fee) annually for all operating interceptors. These can be obtained by contacting the city clerk's office. All new, altered or remodeled plumbing systems receiving grease, fats, oils or similar products from cooking or food preparation, along with car wash facilities, require grease/sand interceptors with the exception of residential dwelling units. Installations must be done in a manner to allow for easy accessibility for inspections, maintenance and repair. In addition, the city-City may require a grease interceptor where an onsite drain system is reduced or filled due to congealed grease per DCOM 82.34 (5)(b)(3).  
(Ord. 959 (part), 1980). (Ord. No. 1745A, § 2, 9-15-2009)

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#### 16.14.585 - Grease, oil and sand interceptors—Maintenance.

Where installed, grease, oil and sand interceptors shall be maintained at the owner's expense and shall be kept in continuous and efficient operation. A Permit renewal shall be contingent on receipt verification (and/or approved maintenance log) on or before May 1st/December 31st of each year for maintenance to the interceptor (for the previous twelve (12) months) per manufacturer or design guidelines. At a minimum, cleaning must be done at least once in a twelve- (12) month period regardless of manufacturer recommendations. Cleaning practices performed "in house" shall be in written form for staff and verified, on site, by city personnel. A "compliance letter" will then be issued as a record of this practice. For example, if the manufacturer recommends cleaning every four months, then the city would receive three receipts (or an approved annual maintenance log if maintained "in house") on or before the above-indicated date. The city-City reserves the right to increase the required maintenance frequency if sufficient cause is observed. Receipts (and/or a maintenance log) shall be forwarded to the city City clerk's office. Failure to comply with the maintenance procedures will result in reinspections and the fees that accompany this procedure per Whitewater Ordinance 1.29.020.  
(Ord. 959 (part), 1980). (Ord. No. 1745A, § 3, 9-15-2009)

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#### 16.14.586 - Grease, oil and sand interceptor—Prohibitions.

The introduction of grease or fat emulsifiers into a grease interceptor is prohibited as more particularly set forth in DSPS 382. DCOM 82.34(5)(e). In addition, enzyme additives, flushing with hot water or steam are prohibited means with regard to required maintenance of grease interceptors within the city-City.  
(Ord. No. 1745A, § 4, 9-15-2009)

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#### 16.14.590 - Preliminary treatment facilities—Permissible levels.

In the event the city approves the admission of any materials into its sewers as set forth in Section 16.14.575, the city-City shall direct the user causing admission of any such materials to, at his own expense, construct, install and operate such preliminary treatment plants and facilities as may be required in order to:

- 1) Reduce the BOD to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight;
- 2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 16.14.575
- 3) Control the quantities and rates of discharge of such waters or wastes.

*(Ord. 959 (part), 1980).*

#### **16.14.595 - Preliminary treatment facilities—Conformance to specifications.**

No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data and other information pertinent to its proposed operation and maintenance shall conform to all cityCity, U.S. Environmental Protection Agency, Department of Natural Resources, and any other local, state or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from U.S. Environmental Protection Agency, Department of Natural Resources, and any other local, state or federal agency having regulatory authority with respect thereto.

*(Ord. 959 (part), 1980).*

#### **16.14.600 - Preliminary treatment facilities—Maintenance.**

All such preliminary treatment facilities as required by the chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

*(Ord. 959 (part), 1980).*

#### **16.14.605 - Special pretreatment agreements with city.**

No provision contained in the chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the city and any industrial user whereby industrial waste and material of unusual strength, character or composition may be accepted by the cityCity for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the common council.

*(Ord. 959 (part), 1980).*

#### **16.14.610 - City's right to reject waste admissions.**

The cityCity reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

*(Ord. 959 (part), 1980).*

#### **16.14.615 - Private sewage treatment—Compliance with applicable regulations.**

Where a public sewer is not available as set forth in Sections 16.14.530 through 16.14.565, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable cityCity, county, state and federal laws and regulations.

*(Ord. 959 (part), 1980).*

**16.14.620 - Private sewage treatment—Connection to public sewer.**

Within ninety (90) days after a property served by a ~~private sewer~~ private sewer (POWTS) or disposal system as described in Section 16.14.615 becomes subject to the terms and provisions of Section 16.14.560, a direct connection shall be made to the public sewer according to the terms and provisions of this chapter, and all private sewers and disposal systems shall be disconnected and abandoned and all openings, tanks or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

*(Ord. 959 (part), 1980).*

**16.14.625 - Private sewage treatment—Not responsibility of cityCity.**

The ~~city~~ City shall not be responsible in any way for the operation and maintenance of a ~~private sewer~~ private sewer (POWTS) or disposal system or facility.

*(Ord. 959 (part), 1980).*

**16.14.630 - Private sewage treatment—More stringent sewage requirements apply.**

No provisions of the chapter shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

*(Ord. 959 (part), 1980).*

**16.14.635 - Service outside cityCity—Generally.**

The city, by proper resolution of the common council, shall have the right at its discretion, upon payments, terms and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the city's corporate limits.

*(Ord. 959 (part), 1980).*

**16.14.640 - Service outside cityCity—Subject to terms of chapter.**

In the event a contract is made pursuant to Section 16.14.635, a user of any sewer serving property wholly or partly outside the district's corporate limits shall be subject to all of the terms and provisions of this chapter, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges and expenses as would be imposed upon and paid by a user situated within the corporate limits of the city.

*(Ord. 959 (part), 1980).*

**16.14.645 - Service outside cityCity—Contract.**

If any property of a person desirous of becoming a user is situated outside the corporate limits of the city and not contiguous thereto so that it may not properly be annexed to and become part of the ~~city's~~ City's corporate limits, the ~~city~~ City at its discretion may permit such a connection; provided, that a contract providing essentially the following, as described in Sections 16.14.650 through 16.14.690, is entered into between the city and the user.

*(Ord. 959 (part), 1980).*

**16.14.650 - Service outside ~~city~~City—Only for described tract.**

The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances and regulations of the ~~city~~City and local, state and federal governments.

*(Ord. 959 (part), 1980).*

**16.14.655 - Service outside ~~city~~City—Standards for waste discharge.**

The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user and treatment or service charges which are applicable to all property and users uniformly.

*(Ord. 959 (part), 1980).*

**16.14.660 - Service outside ~~city~~City—Additional taxes.**

The user, his successors and assigns shall, in addition to costs noted previously, pay annually an amount equivalent to ~~city~~City taxes computed in the manner following:

- 1) The equalized, assessed value of the user's taxable property, or of any subdivided part of separate tract thereof, as determined by proper authority of Jefferson County, Wisconsin, shall be multiplied by the ~~city's~~City's rate of tax upon real estate and personal property situated within its corporate area for the year, when the tax rate is determined.
- 2) The amount, when computed by the ~~city~~City, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within thirty (30) days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of six (6%)-percent per year until paid.
- 3) The amount computed for the use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
- 4) If the user, any successor or assigns thereof fails to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof for which payment is not made, shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the ~~city~~City treatment plant. The user shall cause or require its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and give and grant the ~~city~~City an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns fails to disconnect promptly when such is required.
- 5) In addition to the right of disconnection, the ~~city~~City shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed, or

foreclosed and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.

- 6) The ~~city~~City shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.
- 7) All amounts charged under Sections 16.14.645 through 16.14.690 are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the ~~city~~City is paid in full for all amounts due it, and, in addition, the ~~city~~City shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the ~~city~~City in escrow, and will be returned upon satisfactory payment of amounts due the ~~city~~City for a period of two (2) years.

*(Ord. 959 (part), 1980).*

#### **16.14.665 - Service outside ~~city~~City—Dedication permission required.**

The city shall not, without its prior written consent and acceptance, have dedicated to it or own any sewer system installed within the property, and the producer, its successors and assigns shall maintain the same as its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

*(Ord. 959 (part), 1980).*

#### **16.14.670 - Service outside ~~city~~City—Successor liability.**

Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and the owner shall have no future liability to the city thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the register of deeds, of Jefferson County, State of Wisconsin.

*(Ord. 959 (part), 1980).*

#### **16.14.675 - Service outside ~~city~~City—Annexation effect.**

In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the ~~city~~City by proper ordinance, then the agreement executed pursuant to Sections 16.14.645 through 16.14.690, as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

*(Ord. 959 (part), 1980).*

#### **16.14.680 - Service outside ~~city~~City—Recordation of agreement.**

The agreement executed under Sections 16.14.645 through 16.14.690 shall be recorded in the office of the register of deeds of Jefferson County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

*(Ord. 959 (part), 1980).*

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**16.14.685 - Service outside ~~city~~City—Nonseverability of agreement.**

If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the ~~city~~City treatment plant.

*(Ord. 959 (part), 1980).*

**16.14.690 - Service outside ~~city~~City—Applicant to assume applicable extra charges.**

The applicant for treatment service under an agreement pursuant to Sections 16.14.645 through 16.14.685 shall agree to assume user charges, industrial waste charges and capital surcharge, if applicable, and to obtain from the ~~city~~City the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

*(Ord. 959 (part), 1980).*

**16.14.695 - Discharge permits—When required.**

The ~~city~~City reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the ~~city~~City does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the ~~city~~City. Upon notification from the ~~city~~City, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

*(Ord. 959 (part), 1980).*

**16.14.700 - Discharge permits—Issuance.**

Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the ~~city~~City as the basis for the issuance of discharge permits for building connections to a sewer.

*(Ord. 959 (part), 1980).*

**16.14.705 - Discharge permits—Application.**

The application for a discharge permit shall be made on a form provided for that purpose by the ~~city~~City, and shall be fully completed under oath by the property owner, user or a duly authorized and knowledgeable officer, agent or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the ~~common~~Common ~~council~~Council. The ~~city~~City ~~manager~~ shall also have, at its discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

*(Ord. 959 (part), 1980).*

**16.14.710 - Discharge permits—Fees.**

No fee shall be charged for a discharge application or permit.

*(Ord. 959 (part), 1980).*

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#### 16.14.715 - Discharge permits—Denial.

No discharge permit shall be issued by the ~~city~~City to any person whose discharge of material to sewers, whether shown upon the application to determine after inspection and testing conducted by the ~~city~~City manager, is not in conformance with federal, state or city statutes, ordinances, rules and regulations, unless a waiver ~~or variance~~ of such standards and requirements is granted by the ~~common~~Common council Council in the manner hereinafter set forth. The ~~city~~City manager shall state in writing the reason or reasons for denial or requirement for ~~waiver variance and waiver and~~ said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.

*(Ord. 959 (part), 1980).*

#### 16.14.720 - Discharge permits—Reapplication when required.

In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the ~~city~~City, in the same manner and form as originally made.

*(Ord. 959 (part), 1980).*

#### 16.14.725 - Discharge permits—Denial hearing.

If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the ~~city~~City manager, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of Section 16.14.715, and a waiver of variance is required, the user may have the ~~common~~Common council Council review the denial or may request waiver-variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The ~~common~~Common council Council shall review the permit application, the written denial, and such other evidence and matters as the applicant and ~~city~~City manager shall present at its next regular meeting following receipt of request for its review, and the decision of the ~~common~~Common council Council rendered publicly at said meeting shall be final.

*(Ord. 959 (part), 1980).*

#### 16.14.730 - Discharge permits—Order to cease discharge.

In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the ~~common~~Common council Council, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this chapter.

*(Ord. 959 (part), 1980).*

#### 16.14.735 - Discharge permits—Waiver by common council.

A grant of waiver ~~or variance~~ by the ~~common~~Common council Council may set forth such conditions, exceptions, time limitations, durations and expirations as the ~~common~~Common council Council deems necessary and proper.

*(Ord. 959 (part), 1980).*

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**16.14.740 - Construction of sewers and connections for buildings.**

The construction of sewers and connections for buildings shall be in compliance with the terms and provisions of applicable city and local units of government ordinances.

*(Ord. 959 (part), 1980).*

**16.14.745 - Construction permits—Application.**

A construction permit shall first be applied for and obtained from the city-City before a person, after the effective date of the ordinance codified in this chapter, can connect to any sewer located on properties within the corporate limits of the city-City or on properties outside the city-City where services have been contracted for with the city-City.

*(Ord. 959 (part), 1980).*

**16.14.750 - Construction permits—Issuance conditions.**

Construction permits shall not be issued unless it has been determined by the city-City manager that there is capacity available in all downstream sewerage facilities.

*(Ord. 959 (part), 1980).*

**16.14.755 - Statement of waste characteristics—Report by nonresidential users.**

The city-City reserves the right to require any nonresidential user to submit a report to the city-City, on forms provided by the city-City, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the city-City or to any sewers connected to its treatment works. This statement shall be filed with the city-City manager.

*(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).*

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**16.14.760 - Statement of waste characteristics—Contents.**

The waste characteristics to be measured and certified by the user shall be:

- 1) BOD in milligrams per liter;
- 2) Suspended solids in milligrams per liter;
- 3) Such other constituents of wastewater as directed by the city-City manager.

*(Ord. 959 (part), 1980).*

**16.14.765 - Statement of waste characteristics—Priority of city's-City's results.**

Should there be a difference in understanding between the city-City and user as to the characteristics in Sections 16.14.755 through 16.14.795, the city-City reserves the right to use the city-City results from analyses for purposes of billing. Should submission not be made during the ten- (10) day period, the city-City shall use its results from analyses for purposes of billing.

*(Ord. 959 (part), 1980).*

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**16.14.770 - Sampling chamber—Required when.**

Whenever required by the city-City, the owner of any property serviced by a building sewer carrying nonresidential wastewater and material shall install a large manhole or sampling

chamber in the building sewer in accordance with plans and specifications approved by the ~~city City manager~~ and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately ~~collect a sample and composite samples~~ for analysis. The chamber shall be safely, easily and independently (of other premises and buildings of user) accessible to authorized representatives of the ~~city City~~ at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the ~~city City manager~~.

*(Ord. 959 (part), 1980).*

#### **16.14.775 - Sampling chamber—Contents.**

Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the ~~city City manager~~ that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the ~~city City manager~~ is made in the metered water supply to determine the liquid waste quantity.

*(Ord. 959 (part), 1980).*

#### **16.14.780 - Sampling frequency and requirements.**

~~Representative s~~ Samples shall be taken ~~every hour or half hour~~, as determined by the ~~city City manager~~ and properly refrigerated and composited in proportion to the flow for a representative twenty-four- ~~(24)~~ hour sample. Such sampling shall be done as prescribed by the ~~city City manager~~ to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each twelve- ~~(12)~~ month period. The determination of representative quantities and characteristics shall include not less than seven ~~(7)~~ consecutive calendar days of twenty-four- ~~(24)~~ hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

*(Ord. 959 (part), 1980).*

#### **16.14.785 - Sampling subject to verification by city manager.**

The sampling frequency, sampling chamber, metering device, sampling methods and analysis of samples shall be subject, at any time, to inspection and verification by the ~~city City manager~~.

*(Ord. 959 (part), 1980).*

#### **16.14.790 - Standard ~~M~~methods to be used.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 16.14.755 through 16.14.795 shall be determined in accordance with the ~~current addition of s~~Standard ~~M~~methods ~~specified in Section 16.14.355 or with any other method approved by the city.~~

*(Ord. 959 (part), 1980).*

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**16.14.795 - Sampling by industry personnel permitted.**

The ~~city~~City manager may elect, at his option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to a laboratory as designated by the ~~city~~City manager for analysis. This procedure can also be terminated at any time by the ~~city~~City manager upon reasonable notice.

*(Ord. 959 (part), 1980).*

**16.14.800 - Septic haulers—Nonindustrial use charges.**

Nonindustrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in Section 16.14.450, the volume of which is determined for each by the ~~city~~manager.

*(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).*

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**16.14.805 - Septic haulers—Industrial use charges.**

Industrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in Sections 16.14.755 through 16.14.765.

*(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).*

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**16.14.810 - Septic haulers—Unacceptable liquid wastes.**

Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in Sections ~~16.14.520 and 16.14.575~~25 shall not be accepted.

*(Ord. 959 (part), 1980).*

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**ARTICLE VI. - ENFORCEMENT AND PENALTIES**

**16.14.815 - Inspection rights.**

Any duly authorized employee or agent of the ~~city~~City bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the ~~city~~City or outside the ~~city~~City, that has contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this chapter.

*(Ord. 959 (part), 1980).*

**16.14.820 - Liability during inspections.**

While performing the necessary work on private properties referred to in Section 16.14.815, the duly authorized employees of the ~~city~~City shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the ~~city~~City employees, and the ~~city~~City shall indemnify the user against loss or damage to its property by ~~city~~City employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

*(Ord. 959 (part), 1980).*

#### **16.14.825 - Violations of regulatory provisions.**

- a) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount not to exceed five hundred (\$500.00) dollars for each violation.
- b) For the purpose of this section, each day a violation exists or continues shall constitute a separate offense.

*(Ord. 959 (part), 1980).*

#### **16.14.830 - Penalties.**

A person who is subject to a forfeiture for violating any provision of this chapter may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed six (6) months for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of five (5) dollars toward the forfeiture and costs.

*(Ord. 959 (part), 1980).*

#### **16.14.835 - Personal liability of violator.**

Any person who violates any provision of this chapter shall also be:

- 1) Liable to the city-City for all costs, expenses, loss or damage, if any, incurred by the city-City as the result of such violation (See Section 16.14.425(6));
- 2) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred;
- 3) Subject to a lien upon said property in the amount of any costs described in this section.

*(Ord. 959 (part), 1980).*

#### **16.14.840 - Nonpayment of bills.**

- a) Whenever wastewater treatment bills, industrial cost recovery or capital surcharge bills become delinquent as set forth in Sections 16.14.400 through 16.14.525, the same shall become and constitute a lien upon the real estate to which sewer service is supplied pursuant to the terms and provisions in city regulations. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:

- 1) A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;
- 2) The amount or amounts of money due for such sewerage service; and
- 3) The date or dates when such amount of amounts became delinquent.

b) If all amounts shown due remain unpaid after recording as provided by state statutes, the ~~city~~ City may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

*(Ord. 959 (part), 1980).*

#### **16.14.845 - Civil action.**

In the alternative of levying a lien, the ~~city~~ City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the ~~city~~ City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

*(Ord. 959 (part), 1980).*

#### **16.14.850 - Interest.**

In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of twelve (12%) percent per year.

*(Ord. 1073 §§, 1986).*

#### **16.14.855 - Filing fees.**

In all cases where the sewer user charge payment has become delinquent and ~~common~~ Common ~~council~~ Council elects to file a statement thereof in the office of register of deeds, as hereinabove set forth, there shall be added to the amount due the ~~city~~ City such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the ~~city~~ City attorney as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the ~~city~~ City ~~manager~~ Manager or a duly appointed employee of the ~~city~~ City shall be authorized and directed to include such additional costs in the amount claimed due the ~~city~~ City in the notice of lien.

*(Ord. 959 (part), 1980).*

#### **16.14.860 - Revocation of permits and disconnection of service.**

The ~~city~~ City reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or capital surcharge bills become delinquent.

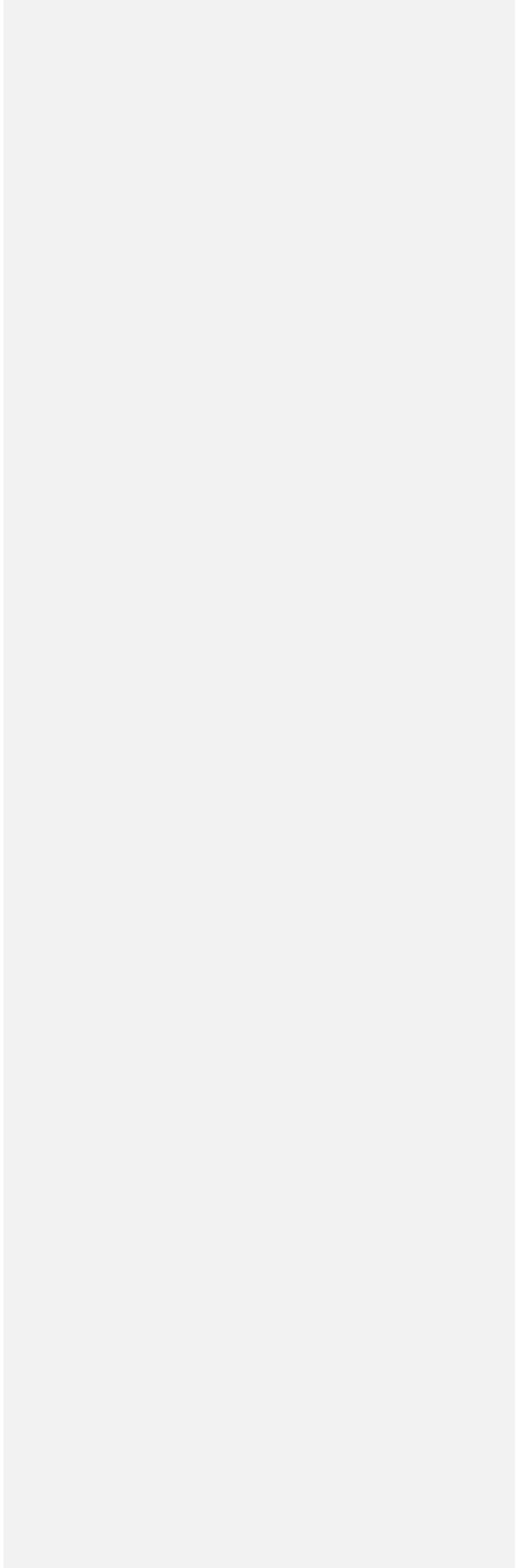
*(Ord. 1342 §1(part), 1996; Ord. 959 (part), 1980).*

#### **16.14.865 - Deposit of future payments.**

All amounts charged under Sections 16.14.840 through 16.14.865 continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the ~~city~~ City is paid in full for all amounts due it, and in addition, there shall be paid to the ~~city~~ City a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be

held by the ~~city~~ City in escrow, and will be returned upon satisfactory payment of all bills for a period of two (2)-years.

*(Ord. 959 (part), 1980).*





*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **3/11/2019**

ITEM: **Amendment zoning ordinance chapter 19.09 and chapter 19.60 regarding nonconforming uses, structures and lots.**

PRESENTER: **City Planner**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED: **This is an update to the City ordinance nonconforming uses, structures and lots. The current language does not comply with state laws. It is important to note that this amendment is not a significant change of the substantive law related to nonconforming uses/structures, rather an update with some minor substantive changes. The SEWRPA model zoning ordinance for nonconforming uses, structures and lots was used to draft the ordinance.**

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **Recommend approval at the March 11, 2019 Planning and Architectural Review Committee.**

STAFF RECOMMENDATION: **Recommend approval.**

RECOMMENDED MOTION: **Recommend approval.**

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

**Notice of Public Hearing, Ordinance Draft, Is it 50 percent yet.**

FOR MORE INFORMATION CONTACT:

**Chris Munz-Pritchard, [cmunz-pritchard@whitewater-wi.gov](mailto:cmunz-pritchard@whitewater-wi.gov), 262-473-0143.**

# Memorandum

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**To:** City Council

**From:** Wallace K. McDonell

**Subject:** Zoning Ordinance Amendments Related to Non-Conforming Uses, Structures and Lots

**Date:** March 14, 2019

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My office has worked with Chris Munz-Pritchard to draft amendments to the City of Whitewater Zoning Code related to non-conforming uses, structures and lots. This was necessary to comply with recent changes in State law and is an opportunity to update and improve other aspects of these ordinances. We used a model recommended by Southeastern Regional Plan Commission as a template for these proposed amendments and believe that they provide a comprehensive and understandable set of ordinances related to non-conforming uses, structures and lots. It should be noted, however, that this would not be a significant change in the substitutive law related to non-conforming uses, structures and lots; rather an update with minor substitutive changes. Legal non-conforming uses, structures and lots will still be allowed to be established and continue after the passage of these ordinance amendments in mostly the same way they were allowed before this change.

We have not attempted to do a red-line copy of the prior ordinance to show the changes and additions because it is basically a rewrite and we would have to strike almost the entire ordinance.

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ORDINANCE No. \_\_\_\_\_  
AMENDING ZONING ORDINANCE CHAPTER 19.09 AND CHAPTER 19.60  
REGARDING NONCONFORMING USES, STRUCTURES, AND LOTS

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

SECTION 1. Whitewater Municipal Code Chapter 19.09 Section 19.09.510 is amended to read as follows:

**19.09.510 - Nonconforming Structure.** A dwelling, building, or other structure that existed lawfully at the time of the effective date of this Ordinance or an amendment thereto that does not conform to one or more of the Development Regulations of this Ordinance. Any such structure conforming with respect to use (containing a conforming use) but not in respect to Development Regulations shall be considered a nonconforming structure and not a nonconforming use.

SECTION 2. Whitewater Municipal Code Chapter 19.09 Section 19.09.511 is amended to read as follows:

**19.09.511 - Nonconforming Use.** A use of structure (including buildings), fixture, or premises (land or water) that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to the current use restrictions of this Ordinance.

SECTION 3. Whitewater Municipal Code Chapter 19.09, Sections 19.09.512 and 19.09.513 are hereby created to read as follows:

**19.09.512 - Nonconforming Lot.** A lot, the area, dimensions, or location that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to current regulations of this Ordinance. Such nonconforming lots are also referred to as substandard lots.

**19.09.513 - Development Regulations.** Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard/setback, frontage, height, parking, loading, or separation distance requirements.

SECTION 4. Whitewater Municipal Code Chapter 19.60, is amended to read as follows:  
Chapter 19.60 - NONCONFORMING USES, STRUCTURES AND LOTS

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19.60.020 Existing Nonconforming Uses  
19.60.030 Conforming Structures on Nonconforming Lots  
19.60.040 Nonconforming Structures on Conforming or Nonconforming Lots  
19.60.050 Vacant Nonconforming Lots  
19.60.060 Changes or Substitutions  
19.60.070 Definitions

**19.60.010 NONCONFORMING USES, STRUCTURES, AND LOTS**

Existing lawful nonconforming uses, structures, and lots shall meet the provisions of this Chapter, and those located within floodplains, shorelands, and shoreland-wetlands shall also comply with the City floodplain, shoreland, and shoreland-wetland regulations, whichever are more restrictive.

#### **19.60.020 EXISTING NONCONFORMING USES**

The lawful nonconforming use of land or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot that existed at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- A. **Only That Portion** of the structure, fixture, land, or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- B. **Discontinuance.** If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, fixture, or premises shall conform to the provisions of this Ordinance.
- C. **Abolishment or Destruction.** When a nonconforming use or a structure with a nonconforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity to the extent of more than 50 percent of its equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- D. **Total Lifetime Structural Repair** or alterations to a structure, fixture, or premise containing a nonconforming use shall not exceed 50 percent of the equalized assessed value of the structure, fixture, or premise at the time its use became nonconforming unless it is permanently changed to a conforming use in accordance with the use provisions of this Ordinance. Ordinary maintenance and repairs are not considered structural repairs, modifications, or additions. Some examples of such repairs include painting, caulking, decorating, paneling, and other nonstructural components; and the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems. Figure No. 1 reflects the method by which the Director of Neighborhood Services shall determine when modifications to nonconforming uses and their structures are equal to 50 percent.
- E. **Substitution of New Equipment** may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.

#### **19.60.030 CONFORMING STRUCTURES ON NONCONFORMING LOTS**

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area and/or width does not conform to the requirements of this Ordinance.

- A. **Additions and Enlargements** to such structures are permitted provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Ordinance, other than minimum lot dimensional requirements.

- B. **Existing Structures on Nonconforming Lots** that are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be reconstructed provided they conform to the established yard/setback, height, parking, loading, access provisions, and other Development Regulations of this Ordinance, other than minimum lot dimensional requirements.

**19.60.040 NONCONFORMING STRUCTURES ON CONFORMING OR NONCONFORMING LOTS**

- A. **A Nonconforming Structure** with a conforming use lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the Development Regulations of this Ordinance.
- B. **Nonconforming Structures** with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures.
- C. **Additions and Enlargements** to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. The provisions of this Subsection with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms with existing sanitary code requirements for private onsite sewage treatment systems (POWTS).
- D. **Existing Nonconforming Structures** may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance.
- E. **A Nonconforming Structure with a Conforming Use** that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of this Ordinance, to the extent practicable, and existing sanitary code requirements, and shall commence within 24 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

**19.60.050 VACANT NONCONFORMING LOTS**

- A. **Development.** The Zoning Administrator may issue a building permit for development of a vacant lot which does not contain sufficient area to conform to the lot dimensional requirements of this Ordinance to be used as a building site provided that the use is allowed in the zoning district in which it is located; the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance or amendment thereof; and development is compatible

with the character of the surrounding area. Nonconforming (substandard) lots to be served by public sanitary sewer shall be at least 50 feet wide and 7,200 square feet in area. Nonconforming lots to be served by POWTS shall be at least 100 feet wide and 40,000 square feet in area. Lots with smaller dimensions than mentioned above shall not be developed unless a variance is granted by the Board of Zoning Appeals.

Development of vacant nonconforming lots granted permits under this Section shall be required to meet the yard/setback, height, parking, loading, access provisions, and other Development Regulations, except lot size requirements unless otherwise specified, of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above may be issued only after a variance is granted by the Board of Zoning Appeals.

- B. Statutory Provisions.** In accordance with Section 66.10015(2)(e) of the Wisconsin Statutes, a property owner of a legal nonconforming (substandard) lot may:
1. Convey an ownership interest in a substandard lot.
  2. Use the substandard lot as a building site if all of the following apply:
    - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
    - b. The substandard lot or parcel is developed to comply with all other requirements of this Ordinance, except the minimum lot dimensional requirement unless otherwise specified.
- C. Merging.** In accordance with Section 66.10015(4) of the Statutes, the City may not require one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

## **19.60.060 CHANGES AND SUBSTITUTIONS**

Once a nonconforming use or structure has been changed to conform to the requirements of this Ordinance, it shall not revert back to a nonconforming use or structure. The Board of Zoning Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted more restrictive nonconforming use shall be subject to all the conditions required by the Board of Zoning Appeals.

## **19.60.070 DEFINITIONS**

Definitions of terms used in this ordinance include:

- A. Development Regulations.** Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard/setback, frontage, height, parking, loading, or separation distance requirements.
- B. Nonconforming Lot.** A lot, the area, dimensions, or location that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to current regulations of this Ordinance. Such nonconforming lots are also referred to as substandard lots.

- C. Nonconforming Use.** A use of structure (including buildings), fixture, or premises (land or water) that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to the current use restrictions of this Ordinance.
- D. Nonconforming Structure.** A dwelling, building, or other structure that existed lawfully at the time of the effective date of this Ordinance or an amendment thereto that does not conform to one or more of the Development Regulations of this Ordinance. Any such structure conforming with respect to use (containing a conforming use) but not in respect to Development Regulations shall be considered a nonconforming structure and not a nonconforming use.

## IS IT 50 PERCENT YET?

**Sample Problem:** Let's assume that the owner of a house with a nonconforming use (i.e., nonconforming institutional use in a residential zoned home) wishes to add a room to the house. If the house had an equalized assessed value of \$100,000 in 1997, the property owner would be able to make improvements valued at up to 50 percent of the present (1997) equalized assessed value of the house, or \$50,000 at that time. The improvement would have to be built to zoning standards. Any further additions or structural alterations could not be allowed unless the use of the structure is permanently changed to a conforming use.

Additions and modifications are based upon a given time over the life of a structure. If, in the example above, the property owner constructed a \$50,000 addition in 1997, no further additions could be allowed because the 50 percent improvement limit had been reached. However, let's assume that the addition was valued at \$20,000 or 20 percent of the 1997 equalized assessed value of the structure (\$100,000). Ten years later, the property owner again comes in, wishing to add an attached storage room. In the meantime, the equalized assessed value of the house has increased from \$100,000 in 1997 to \$150,000 in 2007. The value of the storage room is \$15,000 in 2007. The property owner has now accumulated modifications totaling 30 percent of the equalized assessed values from 1997 and 2007.

Finally, ten years later, when the equalized assessed value of the house is \$200,000, the property owner again comes in wishing to modify his house to the extent of \$40,000. The cumulative percentage of the modifications totals 50 percent, based on the cumulative percentage of each modification in relation to the equalized assessed value of the house in the year the modification was made.

This example is further clarified in the following table:

(NOTE – the base for calculation is **not** the **original** value of the house at the time the Zoning Ordinance was enacted, but is the equalized assessed value of the house at each time the house is modified.)

Year	Equalized Assessed Value of Home	Value of Modification	Modification as a Percentage of Assessed Value	Cumulative Percentage
1997	\$ 100,000	\$20,000	20	20
2007	\$ 150,000	\$ 15,000	10	30
2017	\$200,000	\$40,000	20	50

**Definition: Equalized Assessed Value** is the value of a structure and/or lot of property as determined by the local assessor with any adjustments made to account for an assessment that does not reflect “full” (100%) value. Full assessed value of the structure and/or lot is usually equivalent to “full” (100%) fair market value at the time assessment is made.

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:

NOES:

ABSENT:

ADOPTED:

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Cameron Clapper, City Manager

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Michele R. Smith, City Clerk

ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE ESTABLISHING PENALTIES FOR CAUSING DAMAGE  
TO LANDMARK PROPERTY OR THEFT OF LANDMARK PROPERTY

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

**SECTION 1:** Whitewater Municipal Code Chapter 7.36, Section 7.36.030 (b) (1) and (2) are hereby amended to read:

- (b) (1) Penalties for Violation. Any person who violates the provisions of this section shall upon conviction thereof be subjected to a fine of not less than four hundred fifty (\$450.00) nor more than seven hundred (\$700.00), together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed six months. Damage to a Landmark or Landmark Site as defined in 17.04.020 shall, upon conviction thereof, be subjected to a fine of not less than one thousand (\$1,000) dollars.
- (b) (2) Any person who violates the provisions of this section for a second time within a one-year period shall be subject to a fine of not less than six hundred fifty (650) dollars nor more than nine hundred (900) dollars, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail for a period not to exceed six months. Any person causing damage to a Landmark or Landmark Site as defined in 17.04.020 for a second time within a one-year period shall, upon conviction thereof, be subjected to a fine of not less than one thousand (\$1,000) dollars.

**SECTION 2:** Whitewater Municipal Code Chapter 7.46, Section 7.46.030 is hereby amended to read:

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subjected to a fine of not less than \$150.00 nor more than \$300.00 for a first offense, not less than \$200.00 nor more than \$350.00 for a second offense, and not less than \$300.00 nor more than \$400.00 for a third offense, together with costs of prosecution, and, in default of payment of such fine and cost of prosecution, shall be imprisoned in the county jail for a period not to exceed six months. Theft or petty theft of property that is part of a Landmark or Landmark Site as defined in 17.04.020 shall, upon conviction thereof, be subjected to a fine of not less than one thousand (\$1,000) dollars.

**SECTION 3:** This ordinance shall take effect upon passage and publication as provided by law.

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

AYES:

NOES:

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

ABSENT:

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

ADOPTED:

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE AMENDING SECTION 1.21.010**  
**SCHEDULE OF DEPOSITS**

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<b><u>CHAPTER OR SECTION NUMBER</u></b>	<b><u>OFFENSE</u></b>	<b><u>DEPOSIT AND COSTS</u></b>
<b>7.36.030</b>	Damage to Property	Damage to a Landmark or Landmark Site - \$1,000, plus statutory penalty assessment, jail assessment, and court costs  Damage to Landmark or Landmark Site – second offense, \$1,000, plus statutory penalty assessment, jail assessment, and court costs

**SECTION 2:** Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<b><u>CHAPTER OR SECTION NUMBER</u></b>	<b><u>OFFENSE</u></b>	<b><u>DEPOSIT AND COSTS</u></b>
<b>7.46.030</b>	Theft violations	Theft or petty theft of property that is part of a Landmark or Landmark Site - 1,000, plus statutory penalty assessment, jail assessment, and court costs

**SECTION 3:** This ordinance shall take effect upon passage and publication as provided by law.

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

Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

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

ABSENT:

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

ADOPTED:



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/20/2018

ITEM: Award of Contract to MUDTech for Old Paper Mill Dam Repairs

PRESENTER: Public Works Director

PREVIOUS ACTION, IF ANY: The Council approved the dam repairs in the 2019 CIP budget.

SUMMARY OF ITEM BEING PRESENTED: The Old Paper Mill Dam Repair project, located on Trippe Lake, was advertised and bids were opened on Tuesday, March 12, 2019. 9 bids were received:

R.R. Walton & Company	\$132,019.00
QSP Utility	\$118,167.00
PCI Roads	\$142,100.00
Janke General Contractors	\$115,655.50
Gerace Construction	\$916,965.00
Pro Axis	\$193,490.70
MUDTech	\$108,876.00
E80 Plus Construction	\$140,500.00
Staab Construction	\$193,000.00

The City is receiving grant money from the DNR and thus must also approve the low bidder.

FINANCIAL IMPACT: The low bid is in the amount of \$108,876.00. The City is receiving a grant for 50% of the cost of the repair.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Public Works Committee approved awarding the contract to the low bid of MUDTech contingent upon DNR approval.

STAFF RECOMMENDATION: Staff recommends awarding the contract to MUDTech contingent upon DNR approval.

RECOMMENDED MOTION: Award the Old Paper Mill Dam Repair project to the low bid from MUDTech contingent upon DNR approval.

ATTACHMENT(S) INCLUDED (If none, please state that): None.

FOR MORE INFORMATION CONTACT:

Brad Marquardt, [bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov), 262-473-0139



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/19/2019

ITEM: Milwaukee Street Amendment No. 5, Project ID:  
3110-06-00

PRESENTER: Public Works Director

PREVIOUS ACTION, IF ANY: The City entered into a three party agreement with the DOT and Strand in June 2010.

SUMMARY OF ITEM BEING PRESENTED: Strand was the design firm for the Milwaukee Street/Newcomb Street intersection portion of the State Highway 59 reconstruction project. This amendment extends their contract completion date twelve months from December 1, 2018 to December 1, 2019. This extension puts their contract completion date after the intersection is completed this summer.

Since this a three party agreement, the State has reviewed this Amendment and has recommended approval. The State will be signing the Amendment after it is approved by the City.

FINANCIAL IMPACT: There is no financial impact with Amendment No. 5, it is only for a time extension

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Public Works Committee recommended approval of Amendment No. 5.

STAFF RECOMMENDATION: Staff recommends approval of Amendment No. 5.

RECOMMENDED MOTION: Approve Amendment No. 5 between the City, WisDOT and Strand for the Milwaukee Street/Newcomb Street intersection.

ATTACHMENT(S) INCLUDED (If none, please state that): Amendment No. 5

FOR MORE INFORMATION CONTACT:

Brad Marquardt, [bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov), 262-473-0139

**AMENDMENT NO. 5 TO THE CONTRACT**  
BETWEEN THE CITY OF WHITEWATER (MUNICIPALITY),  
THE WISCONSIN DEPARTMENT OF TRANSPORTATION (DEPARTMENT),  
AND STRAND ASSOCIATES, INC.® (CONSULTANT) FOR

Project ID: 3110-06-00  
Project Description: Milwaukee Street, City of Whitewater  
Project Limits: Newcomb Street Intersection  
Highway, County: STH 59, Walworth County

The contract made and entered into by and between the MUNICIPALITY, the DEPARTMENT and the CONSULTANT, dated June 30, 2010, is hereby amended as set forth on the following pages.

The primary reason(s) for this amendment:

The contract completion date will be changed to December 1, 2019 (an extension of 12 months).

**Consultant Basis of Payment**

For all contract services, a lump sum of \$282,781.49 (no change).

For subsurface investigations subcontracted to Soils & Engineering Services, Inc. (DBE), the CONSULTANT'S actual cost to Soils & Engineering Services, Inc. not to exceed \$5,445.00 (no change).

For historical surveys subcontracted to Commonwealth Cultural Resources Group, Inc., the CONSULTANT'S actual cost to Commonwealth Cultural Resources Group, Inc. based on Commonwealth Cultural Resources Group, Inc.'s actual cost up to \$2,774.63 (no change) plus fixed fee of \$186.53 (no change) not to exceed \$2,961.16 (no change).

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$291,187.65 (no change).

The DEPARTMENT REPRESENTATIVE is Gary M. Metzger, P.E.; 141 NW Barstow Street, Waukesha, Wisconsin 53188; Gary.Metzger@dot.wi.gov; and 262-548-5685.

The MUNICIPALITY REPRESENTATIVE is Brad Marquardt, P.E.; 312 W. Whitewater Street, Whitewater, Wisconsin 53190; BMarquardt@whitewater-wi.gov; and 262-473-0139.

The CONSULTANT REPRESENTATIVE is Eric D. Hanson, P.E.; 910 West Wingra Drive, Madison, Wisconsin 53715; eric.hanson@strand.com; and 608-251-4843.

In witness whereof, the parties hereto have caused this amendment to be executed and approved on the date signed by their authorized officers or representatives.

For the CONSULTANT

For the DEPARTMENT

By: Matthew S. Richards  
Matthew S. Richards

By: \_\_\_\_\_

Title: Corporate Secretary

Title: \_\_\_\_\_

Date: 3/5/17

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

For the MUNICIPALITY

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

**STRAND ASSOCIATES, INC.**  
**LUMP SUM**  
**Amendment #5**  
**ID 3110-06-00**  
**Milwaukee St, City of Whitewater**  
**(Newcomb Street Intersection)**  
**STH 59**  
**Walworth County**

**Consultant Contract Total Fee Computation**

Project ID	ID 3190-00-00	Amendment 1	Amendment 2	Amendment 3	Amendment 4	Amendment 5	Total for Contract
Number of Staff Hours	2404	46	201	24	174	0	2849
Total Direct Labor	\$75,875.25	\$1,603.73	\$6,863.29	\$898.62	\$7,188.43	\$0.00	\$92,429.32
Total Overhead Costs	\$114,859.95	\$2,502.62	\$12,195.59	\$1,507.70	\$10,972.42	\$0.00	\$142,038.28
Fixed Fee	\$15,258.82	\$328.51	\$1,524.71	\$192.51	\$1,452.87	\$0.00	\$18,757.42
Direct Expenses	\$23,940.92	\$501.90	\$2,502.25	\$517.40	\$2,094.00	\$0.00	\$29,556.47
<b>Subtotal</b>	<b>\$229,934.94</b>	<b>\$4,936.76</b>	<b>\$23,085.84</b>	<b>\$3,116.23</b>	<b>\$21,707.72</b>	<b>\$0.00</b>	<b>\$282,781.49</b>
SES, Inc. (DBE)	\$5,445.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,445.00
CCRG, Inc.	\$2,961.16	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,961.16
<b>Subcontract Total</b>	<b>\$8,406.16</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$8,406.16</b>
<b>Total Cost</b>	<b>\$238,341.10</b>	<b>\$4,936.76</b>	<b>\$23,085.84</b>	<b>\$3,116.23</b>	<b>\$21,707.72</b>	<b>\$0.00</b>	<b>\$291,187.65</b>

Company Wide Overhead Rate: 161.22%

Percent Fixed Fee: 8.00%





*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/19/2019

ITEM: Strand Task Order 19-02, Industrial Drive Watermain

PRESENTER: Public Works Director

PREVIOUS ACTION, IF ANY: The replacement of the watermain has been included in the CIP budget.

SUMMARY OF ITEM BEING PRESENTED: The watermain in Industrial Drive between Commercial Avenue and Universal Boulevard has been out of service for a number of years. The existing watermain had developed a number of leaks due to the corrosive soil. Water Utility staff were investigating new technology that would spray the inside of the existing pipe to create a new pipe inside the existing pipe. However, that technology has hit a road block with the DNR. Therefore, staff is preparing to proceed with replacing the pipe via trenching methods.

Strand's Task Order 19-02 provides design services, bidding related services and construction related services as outlined in the task order.

FINANCIAL IMPACT: The services as outlined in the Task Order is a not to exceed fee of \$36,300 billed on an hourly basis.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Public Works Committee recommended approval of Task Order 19-02

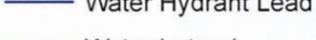
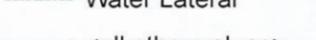
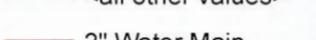
STAFF RECOMMENDATION: Staff recommends approval of Task Order 19-02

RECOMMENDED MOTION: Approve Strand Task Order 19-02.

ATTACHMENT(S) INCLUDED (If none, please state that): Location Map, Strand Task Order 19-02

FOR MORE INFORMATION CONTACT:

Brad Marquardt, [bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov), 262-473-0139

-  WaterMainBreaks
-  Water Manhole
-  Hydrant
-  Curb Stop
-  Water Valve
-  WWWell
-  Water Hydrant Lead
-  Water Lateral
-  <all other values>
-  2" Water Main
-  4"
-  6"
-  8"
-  10"
-  12"
-  14"
-  16"





# OWNER REVIEW

Strand Associates, Inc.<sup>®</sup>  
910 West Wingra Drive  
Madison, WI 53715  
(P) 608-251-4843  
(F) 608-251-8655

## DRAFT

Task Order No. 19-02  
City of Whitewater, Wisconsin (OWNER)  
and Strand Associates, Inc.<sup>®</sup> (ENGINEER)  
Pursuant to the Agreement for Technical Services dated February 8, 2012

### Project Information

Project Name: Industrial Drive Water Main

Project Description: Water main replacement on Industrial Drive between Universal Boulevard and Commercial Avenue.

Services Description: Design services, bidding-related services, and construction-related services for the project.

### Scope of Services

ENGINEER will provide the following services to OWNER.

#### Design Services

1. Conduct a topographic survey of the project area to locate existing visible features, buried and marked utilities, and property irons in the project corridor.
2. Design approximately 1,000 linear feet of new water main and show on plan and profile drawings.
3. Meet with OWNER to present the preliminary engineering drawings and solicit input.
4. Assist OWNER with communication with utility companies regarding relocation or modification of existing utility infrastructure in the project corridor.
5. Assess the possible environmental impacts of the project and assist OWNER in obtaining necessary local, state, and federal permits for construction of the project.
6. Submit final drawings, specifications, and water main extension forms to the Wisconsin Department of Natural Resources for approval.
7. Prepare Bidding Documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2013 edition, technical specifications, and engineering drawings.

#### Bidding-Related Services

1. Distribute Bidding Documents electronically through QuestCDN, available at [www.strand.com](http://www.strand.com) and [www.questcdn.com](http://www.questcdn.com). Submit Advertisement to Bid to OWNER for publishing.
2. Prepare addenda and answer questions during bidding.
3. Tabulate and analyze bid results and assist OWNER in the award of the Construction Contract.
4. Prepare three sets of Contract Documents for signature.

MAF:\nro\IR\IMAD\Documents\Agreements\WWhitewater, City of (WI)\TSA.2012\TO2019\1407.701.19-02.docx





*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/19/2019

ITEM: Strand Task Order 19-03, Milwaukee Street

PRESENTER: Public Works Director

PREVIOUS ACTION, IF ANY: In 2008, the City entered into a State Municipal Agreement for the reconstruction of State Highway 59 (Milwaukee Street/Elkhorn Road).

SUMMARY OF ITEM BEING PRESENTED: As part of the reconstruction of State Highway 59, the City decided to replace sanitary sewer and water mains within the project limits. Since the sanitary sewer and water mains are treated as “utilities”, it is the responsibility of the utility owner, namely the City, to stake and inspect this portion of the work. According to the contractor’s schedule, the sanitary sewer and watermain work is scheduled to take a total of 14 weeks over the two stages of the project.

Strand’s Task Order 19-03 provides staking, review of shop drawings, observation and measurement of quantities, and record drawings as outlined in the task order.

FINANCIAL IMPACT: The services as outlined in the Task Order is a not to exceed fee of \$120,400 billed on an hourly basis.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Public Works Committee recommended approval of Task Order 19-03.

STAFF RECOMMENDATION: Staff recommends approval of Task Order 19-03.

RECOMMENDED MOTION: Approve Strand Task Order 19-03.

ATTACHMENT(S) INCLUDED (If none, please state that): Strand Task Order 19-03

FOR MORE INFORMATION CONTACT:

Brad Marquardt, [bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov), 262-473-0139



# DRAFT

Task Order No. 19-03  
City of Whitewater, Wisconsin (OWNER)  
and Strand Associates, Inc.® (ENGINEER)  
Pursuant to the Agreement for Technical Services dated February 8, 2012

## Project Information

Project Name: Highway 59 Utility Construction

Project Description: The Wisconsin Department of Transportation (WisDOT) is planning the reconstruction of Highway 59 (Milwaukee Street) between Esterly Street and Bluff Road. OWNER is planning to replace sanitary sewer and water main within the project corridor concurrent with WisDOT's work. ENGINEER designed sanitary sewer and water main for OWNER.

Services Description: Construction-related services for OWNER's sanitary sewer and water main construction.

## Scope of Services

ENGINEER will provide the following services to OWNER:

1. Provide contract administration services including review of contractor's shop drawing submittals, observation and measurement of constructed quantities, communication of utility construction with WisDOT staff, and participation in project closeout.
2. Provide one iteration of construction staking for sanitary sewer and water main; seven staking trips are included. Any additional iterations required due to contractor negligence will be considered additional services.
3. Provide resident project representative for up to 840 hours of full-time observation of construction. In furnishing observation services, ENGINEER's efforts will be directed toward determining for OWNER that the completed project will, in general, conform to the Contract Documents; but ENGINEER will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents.
4. Provide record drawings in electronic format from information compiled from contractor's records. ENGINEER is providing drafting Services only for record drawings based on the records presented to ENGINEER by contractor and OWNER. ENGINEER will not be liable for the accuracy of the record drawing information provided by contractor and OWNER.

## Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee not to exceed \$120,400.

# OWNER REVIEW

Strand Associates, Inc.®

City of Whitewater  
Task Order No. 19-03  
Page 2  
March 1, 2019

# DRAFT

## Schedule

Services will begin upon execution of this Task Order, which is anticipated on March 19, 2019. Services are scheduled for completion on December 31, 2019.

## TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF WHITEWATER

# DRAFT

# DRAFT

\_\_\_\_\_  
Matthew S. Richards  
Corporate Secretary

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 3/19/2019

ITEM: Fee Proposal and Recommendation

PRESENTER: Neighborhood Service Director

PREVIOUS ACTION, IF ANY: There is no previous action on this item by Council.

SUMMARY OF ITEM BEING PRESENTED: Fee changes for cost recovery and code enforcement.

FINANCIAL IMPACT: Estimated annual cost recovery of \$2,300 through violations and \$2,000 in fee changes.

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: Finance Committee recommended approval of the changes at the February 26<sup>th</sup>, 2019 meeting.

STAFF RECOMMENDATION: Staff recommends approval.

RECOMMENDED MOTION: Recommend approval of repeat violation fee and change in planning fees as presented.

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

Summary of request to Common Council for the March 19, 2019 meeting.

FOR MORE INFORMATION CONTACT:

Chris Munz-Pritchard, [cmunz-pritchard@whitewater-wi.gov](mailto:cmunz-pritchard@whitewater-wi.gov) 262-473-0143

## M E M O R A N D U M

To: City Manager and Common Council  
From: Chris Munz-Pritchard, Neighborhood Services Director / City Planner  
Date: March 19, 2019  
Re: Proposal and Recommendation for fee changes in Neighborhood Services.

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### **Description of the Proposal:**

There are two changes I am implementing to recover costs and improve enforcement results. The first is a processing fee for violators that have 3 or more of the same re-inspection violations on a property, and second is a change in planning fees.

#### **1. Violation**

I am implementing the addition of an 18% processing fee for all required reinspections of unresolved code violations when 3 or more violation notices are issued for the same unresolved offense in a 12-month period. The current procedure for enforcing code violations is as follows:

1. Once discovered, the violation is noted and a warning letter (not certified) is sent to the property owner requesting resolution of the violation by a specified date.
2. When a violation is not corrected on or before the specified date, then a re-inspection fee letter is sent via certified mail with a new specified date for resolution of the violation.
3. If the violation is still not resolved, the process of sending letters via certified mail continues. With each letter, the fee increases until reaching a cap of \$400.00 per reinspection letter.

Most violations are resolved before a second reinspection letter is sent. However, we do have properties that require multiple reinspection fee letters before a violation is resolved.

Below is a list of addresses that have received 3 or more reinspection fee letters for the same unresolved violation in 2018 (as of 8/21/2018). Please note that this change would only affect those who have received three reinspection fee letters for the same instance of a violation. A property with one violation letter for each of three separate violations, for example, would not qualify for this charge. The chart below shows the processing fees for 15%, 18% and 20%. I plan to implement an 18% processing fee.

Address	Number of Letters	warning 1st letter	2nd letter	3rd letter	4th letter	5th, plus letter(s)	15% process fee added at the 3rd letter	18% process fee added at the 3rd letter	20% process fee added at the 3rd letter
							0.15	0.18	0.2
131 N Cherry St Grass	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
134 W Center St Fire	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
141 N Hyer Ln Fence Repair	4	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
158 W Whitewater (brick repair)	4	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
174-176 W Main St. Fire Code	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
206 Second St Trash	5	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 800.00	\$ 165.00	\$ 198.00	\$ 220.00
217 N Fremont repair	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
226 S Summit St Furniture	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
228-230 S Prairie Furniture	5	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 800.00	\$ 165.00	\$ 198.00	\$ 220.00
228-230 S Prairie grass	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
271 S Church St Snow	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
342 N Jefferson St snow	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
345-347 Scott St Lawn Parking & Repair	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
352 N Jefferson Snow	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
404 S Summit snow	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
409 E Milwaukee	5	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 800.00	\$ 165.00	\$ 198.00	\$ 220.00
425-425a Douglas Ct grass	4	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 400.00	\$ 105.00	\$ 126.00	\$ 140.00
504 W Main St	3	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
517 W Whitewater driveway	7	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 1,600.00	\$ 285.00	\$ 342.00	\$ 380.00
523 S Gault lawn parking	6	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 1,200.00	\$ 225.00	\$ 270.00	\$ 300.00
525 Caine grass	4	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
531 W Scott Trash	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
555-557 W Whitewater snow	4	\$ -	\$ 50.00	\$ 100.00	\$ 200.00		\$ 45.00	\$ 54.00	\$ 60.00
606-623 Foxglove Ln Rubbish	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
848 E Commercial Ave	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
920 E Chicago	5	\$ -	\$ 50.00	\$ 100.00	\$ 200.00	\$ 400.00	\$ 105.00	\$ 126.00	\$ 140.00
927 W Charles St	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
943 W Conger Snow	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
1034 W Florence Furniture	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
Lot 3 E Chicago St Grass	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
Lot 24 Park Crest	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
Lot 32 grass	3	\$ -	\$ 50.00	\$ 100.00			\$ 15.00	\$ 18.00	\$ 20.00
							\$ 1,980.15	\$ 2,376.18	\$ 2,640.20

This change has been proposed as a way to tie the added administrative cost of unresolved violations to the actual property in violation rather than to the general property tax payer. Each certified letter costs the City \$6.67. As of the August date when data was collected, the certified letter cost for just the above violations was approximately \$560.00. This estimate does not include the cost of staff time or office supplies. Staff members involved in the enforcement process can include the Neighborhood Services Officers, Neighborhood Services Administrative Assistant, Accounting Technicians, and the Finance Comptroller. Properties reaching the 3rd to 4th violation letter may require the involvement of other staff members including the Neighborhood Service Director, Building Inspector and City Manager. The processing fee will enable the City to recover some of the administrative expense directly from the violator and, hopefully, provide an additional incentive for resolving violations.

## 2. Proposed Planning Fee Changes

The City currently charges \$100.00 for Conditional Use Permits (CUP) and \$200.00 for Zoning Map Amendments (ZMA). Both CUPs and ZMAs require published notices and notice to adjacent property owners. The Public Hearing notice for a CUP only needs to be published once at a cost of approximately \$40.00 (depending on the size of the ad). ZMAs need to be published twice at a cost of approximately \$25.00 each time (depending on the size of the ad). The list of adjacent property owners requiring an official notice by mail includes all property owners within three hundred feet of the property under consideration. This can be a large number when the CUP or ZMA is in higher density areas. Stamps are now \$.50. The Tratt Street development proposed by Ryan Hughes required only 23 letters to be sent (\$11.50). In the case of Fairhaven, 93 letters were sent (\$46.50).

A review of other cities in the area indicated we are at the lower end of the spectrum for fee charges. The below table shows the cost for CUP applications. Where communities used a graduated schedule of application fees based on project cost, the minimum fee value was included below.

City, Town or County	Application Fee
Johnson Creek	\$ 500.00
Jefferson (City)	\$ 250.00
Edgerton	\$ 165.00
Walworth (County)	\$ 575.00
Sun Prairie	\$ 400.00
Platteville	\$ 150.00
Janesville	\$ 500.00
Milton	\$ 250.00

In addition to CUPs and ZMAs, the new fee structure will allow for a more accurate fee based on proposed project type. Small scale project fees will remain at the same rate with large scale project fees increasing.

Summary of Planning Fee Changes		Current Cost	Proposed Cost
Extraterritorial Certified Survey	Under 5 Lots	\$100 + \$10 per lot	\$100 + \$10 per lot
Extraterritorial Certified Survey	Over 5 Lots	\$100 + \$10 per lot	\$500 + \$10 Per lot
Certified Survey	Under 5 Lots	\$100 + \$10 per lot	\$100 + \$10 per lot
Certified Survey	Over 5 Lots	\$100 + \$10 per lot	\$500 + \$10 Per lot
Conditional Use Permit	Project under \$15,000	\$100.00	\$100.00
	Project over \$15,000	\$100.00	\$250.00
Zoning Change		\$200.00	\$400.00
Annexation		\$200.00	\$500.00

### 3. Summary of changes:

In summary, two changes are being implemented to recover staffing costs and improve enforcement results.

1. A reinspection processing fee of 18% for violators requiring 3 or more re-inspection letters for the same unresolved violation on a property. The fee will be charged beginning with the 3<sup>rd</sup> offense.
2. An adjustment to planning fees associated with applications for an Extraterritorial Certified Survey, Certified Survey Map, Conditional Use Permit, Zoning Change, or Annexation) as outlined in the tables above.