

**CITY OF WHITEWATER  
COMMON COUNCIL AGENDA**

Common Council Meeting  
Tuesday, October 1, 2013  
6:30 p.m.

City of Whitewater Municipal Building Community Room  
312 W. Whitewater Street Whitewater, Wisconsin

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

**CONSENT AGENDA**

CA-A	Approval of Payment of Invoices Processed thru 9/25/2013.
CA-B	Acknowledgment of Receipt and Filing of the Following: <ul style="list-style-type: none"> <li>• Irvin L. Young Memorial Library Board Minutes of 8/19/13.</li> <li>• Whitewater Police Dept Monthly Report August 2013</li> </ul>
CA-C	*Expedited approval of the following items, per City Staff Recommendation: R-1, O-2, C-7, C-8

**STAFF REPORTS:**

WUSD	State of the School Address
City Manager	1) Delivery of 2014 City Budget to Council members and confirmation of budget availability on city website; 2. CROP Walk Proclamation.

**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:**

*R-1	Authorizing a Mutual Aid Agreement Participation in Mutual Assistance Response Teams. (Police Chief Request).
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**ORDINANCES – First Reading**

O-1	Imposing the R-O (Non-family residential overlay district) zoning district designation on Fremont Street properties (East and West side of Street). (Neighborhood Services Request)
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**ORDINANCES – Second Reading -**

*O-2	Amending Chapter 11.16.150, to eliminate fifteen minute parking stalls on First Street.
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	(Councilmember Binnie Request)
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**CONSIDERATIONS:**

C-1	Action on issuance of City’s one available “Class B Beer and Liquor” license per applications filed by three applicants. Applicants: Day n Nite Café for use at their restaurant at 162 W. Main Street; Blackthorne Scribe LLC for use at their proposed business at 108 W. Main Street; and Tyler Sailsbery for use at his proposed business at 319 James Street. (City Clerk Request)
C-2	Discussion and possible action regarding agreement between City of Whitewater and Whitewater Fire Department. (Councilmember Ken Kidd and City Mgr Request)
C-3	Discussion and possible action regarding burial of power lines in the downtown E. Gateway Project. (Councilmember Ken Kidd Request)
C-4	Report and possible direction on costs relating to RFP for storm water mitigation services. (Councilmember Binnie Request).
C-5	Request for authorization to apply for grant to purchase an ADA accessible mini-bus, and if grant is awarded, authorization to expend up to \$5,400 matching funds (from DPW equipment replacement fund). (Finance Director Request)
C-6	Report on “Innovation Express” transportation service and possible direction regarding the same. (Councilmember Singer Request).
*C-7	Authorization to purchase Winter salt. (Streets Superintendent Request)
*C-8	Request for authorization to submit 2014 Ride Share grant application to State of Wisconsin. (Finance Director Request)
C-9	<b><u>EXECUTIVE SESSION.</u></b> Adjourn to closed session, <b>TO RECONVENE IN APPROXIMATELY 15 MINUTES,</b> pursuant to Wisconsin Statutes Chapter 19.85(1) (c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility”, and Wisconsin Statutes Chapter 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” Item to be Discussed: Assistant City Manager salary.
C-10	Reconvene into Open Session
	<b><u>RESOLUTION</u></b>
R-2	Amendment No. 5 to 2013 Salary Resolution.
C-11	Adjournment

**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 the Consent Agenda unless any council member requests that it be removed for individual discussion.**

## Report Criteria:

Detail report.  
Invoices with totals above \$0.00 included.  
Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
<b>AT&amp;T</b>						
1700	AT&T	1700-100213	WATER/INTERNET	10/02/2013	58.03	610-61921-310
6380	AT&T	6380-100213	GEN BLDG/PHONE	10/02/2013	2,920.42	100-51450-225
6380	AT&T	6380-100213	STREET/INTERNET	10/02/2013	70.00	100-53100-310
Total AT&T:					3,048.45	
<b>AT&amp;T LONG DISTANCE</b>						
4746	AT&T LONG DISTANCE	4746-100213	GEN BLDG/LONG DISTANCE	10/02/2013	647.56	100-51450-225
4746	AT&T LONG DISTANCE	4746-100213	CABLE/LONG DISTANCE	10/02/2013	.37	200-55110-225
Total AT&T LONG DISTANCE:					647.93	
<b>BURNS INDUSTRIAL SUPPLY</b>						
28	BURNS INDUSTRIAL SUPPLY	492741	STORMWATER/REPAIR PARTS	10/02/2013	242.21	630-63310-353
Total BURNS INDUSTRIAL SUPPLY:					242.21	
<b>CITGO</b>						
5404	CITGO	39187485	POLICE PATROL/GAS	10/02/2013	2,530.07	100-52110-351
5404	CITGO	39187485	POLICE INV/GAS	10/02/2013	456.32	100-52120-351
5404	CITGO	39187485	FIRE/GAS	10/02/2013	453.27	100-52200-351
5404	CITGO	39187485	RESCUE/GAS	10/02/2013	1,120.08	100-52300-351
5404	CITGO	39187485	CSO/GAS	10/02/2013	295.75	100-52140-351
Total CITGO:					4,855.49	
<b>CITIES &amp; VILLAGES MUTUAL INSURANCE CO</b>						
6478	CITIES & VILLAGES MUTUAL IN	WC-13-1141	WORKERS COMP/4TH QUARTE	10/02/2013	37,670.00	100-21532
Total CITIES & VILLAGES MUTUAL INSURANCE CO:					37,670.00	
<b>DIVERSIFIED BENEFIT SVC INC</b>						
4192	DIVERSIFIED BENEFIT SVC INC	170411	FINANCE/SEPT FLEX SVC	10/02/2013	252.38	100-51500-217
Total DIVERSIFIED BENEFIT SVC INC:					252.38	
<b>GRAINGER INC</b>						
367	GRAINGER INC	923457540	WATER/FACILITY TOWELS	10/02/2013	177.48	610-61935-350
Total GRAINGER INC:					177.48	
<b>JAECKEL BROS INC</b>						
493	JAECKEL BROS INC	9440	WATER/INDUSTRIAL PARK	10/02/2013	694.50	610-61651-350
493	JAECKEL BROS INC	9441	WATER/DEPOT	10/02/2013	869.52	610-61652-350
Total JAECKEL BROS INC:					1,564.02	
<b>JOHN DEERE FINANCIAL</b>						
6276	JOHN DEERE FINANCIAL	IW26296	STREET/VEHICLE REPAIRS	10/02/2013	8.97	100-53230-352
Total JOHN DEERE FINANCIAL:					8.97	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
<b>JOHNS DISPOSAL SERVICE INC</b>						
42	JOHNS DISPOSAL SERVICE IN	49978	RECYCLE/EXTRA PICK UP	10/02/2013	280.00	230-53600-219
Total JOHNS DISPOSAL SERVICE INC:					280.00	
<b>KAMP-SYNERGY LLC</b>						
143	KAMP-SYNERGY LLC	3926	WATER/WELL #7 SCADA UPDA	10/02/2013	6,200.00	610-61936-810
Total KAMP-SYNERGY LLC:					6,200.00	
<b>LOWREY, BRADLEY D</b>						
5708	LOWREY, BRADLEY D	1620	NEIGHBORHOOD SVC/MOWIN	10/02/2013	75.00	100-52400-219
Total LOWREY, BRADLEY D:					75.00	
<b>MUNICIPAL CODE CORPORATION</b>						
5550	MUNICIPAL CODE CORPORATI	00233308	LEGISLATIVE/CODE UPDATES	10/02/2013	296.05	100-51100-295
Total MUNICIPAL CODE CORPORATION:					296.05	
<b>STA-LITE CORP</b>						
102	STA-LITE CORP	5283	WATER/WELL #7	10/02/2013	125.70	610-61620-350
Total STA-LITE CORP:					125.70	
<b>TULLY, TIMOTHY J</b>						
495	TULLY, TIMOTHY J	515872	REC/FOOTBALL SUPPLIES	10/02/2013	195.00	100-55300-341
495	TULLY, TIMOTHY J	515893	REC/FOOTBALL SUPPLIES	10/02/2013	204.00	100-55300-341
Total TULLY, TIMOTHY J:					399.00	
<b>UW WHITEWATER</b>						
8	UW WHITEWATER	19035	WASTEWATER/JANITORIAL SU	10/02/2013	76.42	620-62840-340
8	UW WHITEWATER	19035	WASTEWATER/JANITORIAL SU	10/02/2013	147.25	620-62840-340
8	UW WHITEWATER	19035	GEN BLDG/JANITORIAL SUPPLI	10/02/2013	11.74	100-51600-340
8	UW WHITEWATER	19035	STREET/JANITORIAL SUPPLIES	10/02/2013	43.17	100-53230-340
8	UW WHITEWATER	19035	GEN BLDG/JANITORIAL SUPPLI	10/02/2013	18.89	100-51600-355
8	UW WHITEWATER	19035	INNOVATION CTR/JANITORIAL	10/02/2013	312.94	920-56500-250
8	UW WHITEWATER	SO000815	COURT/CLERK AD	10/02/2013	144.00	100-51200-310
Total UW WHITEWATER:					754.41	
<b>WAL CO-SHERIFF'S DEPT</b>						
125	WAL CO-SHERIFF'S DEPT	AUGUST 2013	COURT/CONFINEMENT	10/02/2013	75.00	100-51200-293
Total WAL CO-SHERIFF'S DEPT:					75.00	
<b>WHITEWATER FIRE DEPT</b>						
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/SENTRY	10/02/2013	24.87	100-52200-340
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/JIMMY JOHNS	10/02/2013	92.84	100-52200-340
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/PLAZA SUITE	10/02/2013	158.90	100-52200-211
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/SHELL OIL	10/02/2013	35.53	100-52200-211
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/FIRE SAFETY	10/02/2013	63.00	100-52200-241
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/HOME DEPOT	10/02/2013	14.78	100-52200-242
284	WHITEWATER FIRE DEPT	SEPT CHARG	FIRE/AMERICAN FLAGS	10/02/2013	1,369.95	100-52200-810
Total WHITEWATER FIRE DEPT:					1,759.87	

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	GL Account Number
WI STATE LABORATORY OF HYGIENE						
1899	WI STATE LABORATORY OF HY	302757-1	WATER/TRIPP & CRAVATH PAR	10/02/2013	74.00	610-61630-340
1899	WI STATE LABORATORY OF HY	307680-1	WATER/TRIPPE PARK E-COLI &	10/02/2013	57.00	610-61630-340
Total WI STATE LABORATORY OF HYGIENE:					<u>131.00</u>	
Grand Totals:					<u><u>58,562.96</u></u>	

Dated: 09/25/2013

Finance Director: DOUG SAUBERT

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Report Criteria:

- Detail report.
  - Invoices with totals above \$0.00 included.
  - Paid and unpaid invoices included.
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**Present:** Richard Helmick, Sharon Knight, Danielle Hudson, Anne Hartwick, Sally Watson, Julie Caldwell, Jim Winship **Absent:**

**Administrative Staff Present:** Stacey Lunsford, Diane Jaroch, Cathy Bloom

**Also Present:**

1. President Anne Hartwick called the meeting to order at 6:29 p.m.
2. The consent agenda was approved as presented. MSC (Knight /Winship) Ayes: Helmick, Knight, Hudson, Hartwick, Watson, Caldwell, Winship Noes: None.
3. The circulation, service, and Mango statistics reports for May 2013 were acknowledged and accepted as presented. MSC (Winship/Helmick) Ayes: Knight, Hudson, Hartwick, Watson, Caldwell Noes: None.
4. The circulation, service, and Mango statistics reports for May 2013 were acknowledged and accepted as presented. MSC (Caldwell/Hudson) Ayes: Helmick, Knight, Hartwick, Watson, Winship Noes: None.
5. Citizen input regarding matters not on agenda; no action at this meeting.
6. OLD BUSINESS
  - a) Library Building Expansion Project- Stacy discussed progress and will be finding comparable university towns. The Library is much more than circulating books. How are library services changing?
  - b) Council and Community Communications- Richard suggested giving the City Council a report on the changing roles of today's libraries.
  - c) System Planning- Focus groups meeting was well attended. Suggestions included providing coffee, adding a fireplace and improvements to the children's and young adult sections.
7. NEW BUSINESS
  - a) Review and re-approval of Public Records Request policy -Action MSC (Caldwell/Winship) Ayes: Helmick, Knight, Hudson, Hartwick, Watson Noes: None.
  - b) FY2014 Budget —Stacy will make changes to present process of doing the budget and present at a future date. A move was made that the board recommend the reinstatement of as many lost Saturday hours as possible. Helmick/Hudson Ayes: Knight, Hartwick, Watson, Caldwell, Winship Noes: None.
  - c) Landscaping – Remove dead and dying shrubbery. Suggested master gardener help with the landscaping. Motion made to approve installation of memorial tree in honor of Fred Kraege. Richard/Winship Ayes: Helmick, Knight, Hudson, Hartwick, Watson, Caldwell, Winship Noes: None.
  - d) Request from local author to reproduce postcards from the Library's collection in his books – Action Grant permission to use the collection. MSC (Helmick/ Caldwell) Ayes: Knight, Hudson, Hartwick, Watson, Winship Noes: None
8. DIRECTOR'S REPORT As Submitted by Stacey Lunsford
  - a) The Boopsie app is now complete and ready for launch. We will be sending out press releases and adding it to our website as soon as possible.
  - b) We have drawings for a possible re-vamp of the staff workroom to create more efficient, ergonomic, productive spaces for the staff who work back there on a regular basis. We will

continue to work with Embury, Ltd., a company that specializes in furniture for libraries to come up with a quote and possible plan.

#### ADULT SERVICES REPORT --As submitted by Diane Jaroch

- a) I attended a meeting at the Lomira Quadgraphics Community Library on July 16 concerning the LSTA Grant the Mid-Wisconsin Library System is applying for to create a Mobile Makerspace. There are currently six libraries. Brienne Brown is writing the LSTA grant which is due September 15.
- b) On July 19 I had the pleasure of touring the Milwaukee Makerspace with Deborah Blackwell, Tami Brodnicki, Brienne Brown, Jim Caldwell, Michael Gay, and Geoff Hale. Whitewater is interested in creating a complementary makerspace that would work with the library on various activities and workshops. David Buggs, a key member of the Milwaukee Makerspace was gracious enough to give us a detailed tour.
- c) Unfortunately I was forced to cancel the last Adult Summer Reading event due to lack of interest. The program was to be held on August 1. Jeanne Christensen, a horticulturist from Waterford was going to assist us in creating a planter from an old book. The library was charging a fee of \$15 for supplies and perhaps this kept patrons from registering. Patrons needed to register a week in advance so they could pick up their book in order to prepare it for the class.
- d) I had 51 people sign-up for the Adult Summer Reading Program. There were 12 weekly winners, 2 grand prize winners and a total of 172 books were read. The grand prizes were a Nook Simple and a Polaroid digital camera.
- e) Cathy and I will be implementing a new program called Maker Monday on September 23<sup>rd</sup>. We have on Maker Monday planned each month through 2013. This will be for middle school ages through adulthood. We have our themes planned out for each month and are eager to see how well received this program will be. We will be altering the days and times. We have the programs so they aren't the same Monday each month and they aren't at the same time each month.
- f) I have booked the author Katherine Perreth for Thursday, September 19 at 7:00 p.m. She will be discussing her book "Making Lemonade with Ben: The Audacity to Cope." Bunny Schoen will be presenting a Basket Making Workshop on September 27<sup>th</sup> from 9:00 until 3:00 p.m.
- g) The Big Read will kick off on September 21<sup>st</sup>. The book will be Ray Bradbury's "Fahrenheit 451."
- h) Crime Club starts up again on September 25<sup>th</sup>. We will be discussing "The Shape of Water" by Andrea Camilleri.

#### 10. YOUTH SERVICES REPORT--As submitted by Cathy Bloom

- a) As I prepared the final statistics for the summer, I realized that instead of six complete weeks of programming and the final week of special programs, this year we had five complete weeks of programming with the final week of special events. This may be a factor as to why our June statistics were down.
- b) Programs offered for this year's Dig into Reading summer reading program were 3 weekly storytimes, movies, 6 performers including an ice cream social, 5 Tuesday @ 2:00, and a sleepover. Tuesdays @ 2:00 include activities, games, crafts, and snacks. The young adults

programs were a gaming night, a movie, 1 performer, Battle of the Books, and a field trip. Also many young adults volunteered their time in assisting with the various children's programs. We always have lunch at Pizza Hut at the end of the summer reading program to show our appreciation for their involvement. In addition to our programs here at the library, there was Family Fun Night held at Horicon.

- c) For the actual reading program, 1087 completed reading records were returned to the library. Each completed record represented at least 2 hours of reading and 2 or 3 special activities. I enjoy seeing all of the prairie dogs encircling the library.
- d) As always, I have begun planning for next year – what worked best and what could be done better. Plans are also underway for the fall – winter 2013 session. In addition, Diane and I are collaborating on a new program, Maker Mondays, geared for middle school age children through adults.

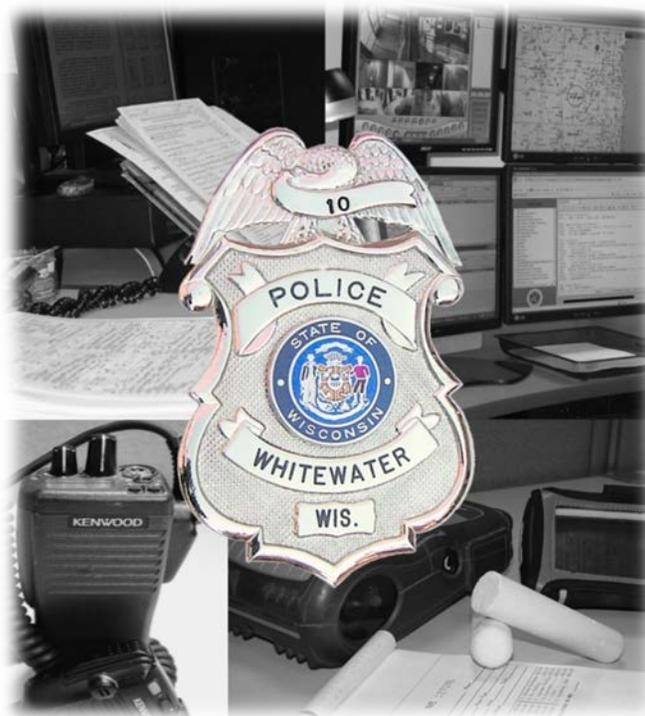
- 11. Board member reports: Jim Winship suggested several possibilities of new electronic applications in the library.
- 12. Board member requests for future agenda items. NONE
- 13. Confirmation of next meeting on September 16, 2013, 6:30pm
- 14. The meeting was adjourned at 7:41 p.m. MSC (Knight/Winship) Ayes: Helmick, Knight, Hudson, Hartwick, Watson, Caldwell, Winship Noes: None.

Minutes submitted by Sally Taylor Watson, Board of Trustees Secretary



# Whitewater Police Department Consolidated Monthly Report

## August 2013



***Lisa K. Otterbacher***  
***Chief of Police***

**Whitewater Police Department  
312 West Whitewater Street  
Whitewater, Wisconsin 53190**

**Consolidated Monthly Report - August 2013**

**Unified Crime Reporting Incidents**  
**Year-to-Date Statistics**

	<b>No. of Incidents</b>		<b>Total Amount Lost</b>	
	<b><u>2013</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>	<b><u>2012</u></b>
Murder/Non-Negligent Manslaughter	0	0	\$0	\$0
Sexual Assaults - 1st, 2nd, 3rd, 4th Degree	18	14	\$0	\$0
Total Robbery	4	0	\$970	\$0
Total Burglary	34	31	\$14,516	\$31,149
Total Motor Vehicle Thefts	3	0	\$4,250	\$0
<b><u>Thefts</u></b>				
Pocket Picking	0	0	\$0	\$0
Purse Snatching	0	0	\$0	\$0
Shoplifting	18	10	\$4,564	\$1,080
From Automoblies	18	20	\$5,000	\$4,650
Automobile Parts/Accessories	7	16	\$785	\$3,119
Bicycles	14	8	\$1,330	\$1,238
From Buildings	32	48	\$21,880	\$22,696
Coin Operated Machine	1	0	\$1,075	\$0
All Other	38	39	\$14,053	\$15,905
Total Thefts	128	141	\$48,687	\$48,688
<b>Grand Total</b>	<b>187</b>	<b>186</b>	<b>\$68,423</b>	<b>\$79,837</b>

**Property Amount Stolen and Recovered**  
**Year to Date Statistics**

	<b><u>2013</u></b>	<b><u>2012</u></b>
Property Stolen	\$68,423	\$79,837
Property Recovered	\$20,571	\$25,209
Percentage Recovered/Stolen	30%	32%
Property Stolen Average per Month	\$8,553	\$9,980

NOTE: In addition to the recovery of stolen property, there was \$ 0.00 recovered as a result of restitution paid for investigative costs and non-sufficient funds checks cashed.

Year to date total \$ 0.00

**Consolidated Monthly Report - August 2013**

**Comparison of Charges**

<b>Charge Totals:</b>	<b>Monthly</b>	<b>Year to Date</b>
Adult	213	1,684
Juvenile	7	113
<b>Combined Total</b>	<b>220</b>	<b>1,797</b>

<b>Charges</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>	<b>Increase/Decrease</b>
Animal Cruelty	0	1	1	SAME
Animal Ordinance Violations	2	8	10	-2
Arson	0	0	0	SAME
Assault (Aggravated)	1	9	5	4
Assault (Other)	6	23	21	2
Bail Jumping	1	22	28	-6
Bomb Threat	0	0	0	SAME
Burglary	0	16	6	10
Burglary Tools - Possess	0	0	1	-1
Cause <18 to Listen/View Sex Activity	0	2	0	2
Cigarette / Tobacco Violation	0	0	9	-9
Citations Written for Parking Tickets	0	0	0	SAME
Contribute to Delinquency	0	0	2	-2
Contribute to Truancy	0	5	1	4
Controlled Substance - Possession	5	45	58	-13
Controlled Substance - Sale / Manufacture	4	33	30	3
Court Order Violation	0	2	1	1
Criminal Damage	2	23	30	-7
Criminal Trespassing	0	6	1	5
Curfew	4	12	4	8
Disorderly Conduct	37	181	238	-57
Embezzlement	0	0	12	-12
Emergency Detention / Protective Custody	4	27	25	2
Escape	0	0	0	SAME
Facilitate Child Sex Crime by Computer Use	0	0	0	SAME
Fail to Obey Officer	2	5	13	-8
False Imprisonment	2	2	1	1
Fireworks - Sell / Discharge without Permit	0	0	4	-4
Forgery and Counterfeiting	0	0	4	-4
Fraud	0	11	26	-15
Illegal Blood Alcohol Content (IBAC)	9	65	60	5
Impersonate Peace Officer	0	0	0	SAME

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**Consolidated Monthly Report - August 2013**

<b>Charges</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>	<b>Increase/Decrease</b>
Intentionally Neglect Child	0	1	0	1
Kidnapping	0	0	0	SAME
Lewd and Lascivious Behavior	0	2	0	2
Liquor Laws	19	117	240	-123
Littering	1	3	1	2
Mental Harm of Child	0	3	0	3
Motor Vehicle Theft	0	4	0	4
Murder and Non-Negligent Manslaughter / Attempt	0	0	0	SAME
Negligent Handling of Burning Materials	0	0	0	SAME
Noise	0	9	14	-5
Obstruct / Resist Officer	0	21	18	3
Obstructions on Streets Prohibited	0	0	0	SAME
Offenses Against Family and Children	0	0	4	-4
Open Burning Permit Violation	0	1	0	1
Operate Auto While Intoxicated	13	82	65	17
Park Regulations	0	2	0	2
Pornography / Obscenity	0	3	0	3
Possess Drug Paraphernalia	6	31	43	-12
Prostitution (Enticement)	0	2	6	-4
Reckless Endangering Safety	0	0	0	SAME
Registered Sex Offender Violations	0	0	0	SAME
Robbery	0	0	1	-1
Runaway	0	6	6	SAME
Sex Offenses (Other)	0	4	0	4
Sexual Assault - 1st Degree	0	5	6	-1
Sexual Assault - 2nd Degree	1	6	0	6
Sexual Assault - 3rd Degree	0	1	0	1
Sexual Assault - 4th Degree	0	1	0	1
Solicitors / Peddlers Prohibited	0	0	0	SAME
Stolen Property	0	0	5	-5
Theft (Except Motor Vehicle)	7	83	54	29
Traffic Offenses	73	760	620	140
Traffic Ordinance Violations	0	1	0	1
Truancy	0	16	11	5
Warrant Served - Local	4	67	90	-23
Warrant / Pickups for Other Agencies	17	67	75	-8
Weapons (Conceal / Possess / Negligent Use)	0	1	6	-5
Zoning Violations	0	0	4	-4
<b>Total</b>	<b>220</b>	<b>1,797</b>	<b>1,860</b>	<b>-63</b>

**Consolidated Monthly Report - August 2013**

**Miscellaneous Activities and/or Complaints**

<b>Type of Activity/Complaint</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>
Calls for Service	693	4,688	4,695
Activity Logs *	6	54	120
Traffic Stops *	197	1,599	1,519
Family Disturbances	3	22	23
Noise Complaints	33	237	217
Animal Complaints	24	190	184
False Alarms	3	61	51

\* Officer initiated activities

**Motor Vehicle Accidents**

<b>Type of Activity/Complaint</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>
Fatal	0	0	0
Personal Injury	4	19	13
Pedestrian/Bicycle	0	2	3
Hit and Run	4	46	27
Property Damage over \$1000	9	81	60
Property Damage under \$1000	3	37	37
<b>Total</b>	<b>20</b>	<b>185</b>	<b>140</b>

**Parking Tickets Issued**

<b>Type of Activity/Complaint</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>
Issued by Patrol Officers	121	1,231	1,503
Issued by Community Service Officers	85	787	1,067
<b>Total</b>	<b>206</b>	<b>2,018</b>	<b>2,570</b>

**Consolidated Monthly Report - August 2013**

**Monies Received**

<b>Type</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>
Bicycle Licenses	\$12.00	\$57.00	\$48.00
Citations/Warrant Payments	\$1,257.00	\$14,529.32	\$27,957.23
License Plate Renewal Service Fee *	\$67.50	\$246.50	-
Miscellaneous	\$17.76	\$152.88	\$112.26
Parking Honor Box	\$172.02	\$2,228.24	\$515.01
Parking Permits	\$2,900.00	\$19,150.00	\$18,395.00
Parking Violations	\$5,241.40	\$52,193.42	\$64,678.00
<b>Total</b>	<b>\$9,667.68</b>	<b>\$88,557.36</b>	<b>\$111,705.50</b>

\* These funds are used for crime prevention initiatives.

**Overtime Hours**

<b>Type</b>	<b>This Month</b>	<b>This Year to Date</b>	<b>Last Year to Date</b>
Administrative Duties	3.000	14.000	44.500
Bike Patrol	15.000	20.000	56.750
County Court	6.500	131.000	124.750
Municipal Court	2.000	23.000	45.750
Data Entry	0.000	9.750	48.000
Foot Patrol	0.000	3.500	0.000
Investigation	54.250	346.000	455.500
Meeting	0.000	89.000	134.500
Officer In Charge	28.750	161.250	68.000
Other *	5.750	34.250	51.750
Parking	0.000	0.000	10.000
Prisoners (Transport/Custody)	10.000	70.250	50.250
Radio Dispatch	21.500	40.750	92.500
Reports	14.250	80.250	115.500
Roll Call	29.250	221.000	184.750
Special Event	24.000	74.750	128.750
Squad Patrol	48.000	315.250	412.000
Traffic	0.000	8.000	1.000
Training	32.250	432.000	558.250
Holidays	0.000	526.500	547.250
<b>Total</b>	<b>294.500</b>	<b>2,600.500</b>	<b>3,129.750</b>

\* Other consisted of overtime for Juvenile Officer Duties, interpreting and Baraboo's Mock Assessment.

## **Consolidated Monthly Report - August 2013**

### **WPD Personnel Training**

- From August 19<sup>th</sup> through August 23<sup>rd</sup>, Sgt. Gempler attended the International Police Mountain Bike Association Instructor School in Indianapolis, IN.
- On August 19<sup>th</sup> and 20<sup>th</sup>, Officer Reif attended training in Advanced Tactics for Criminal Patrol held in Milwaukee.
- From August 21<sup>st</sup> through August 23<sup>rd</sup>, Detectives Vander Steeg and Meyer, and Officer Hintz attended the Wisconsin Narcotics Officer Association Annual Training Conference held in Green Bay.
- On August 23, Officer Valadez attended Advanced Reid training held in Fitchburg.
- On August 29, Support Services Manager Boyd attended webinar training on Laserfiche: Workflow Made Easy.

### **Presentations and Appearances by WPD Personnel**

- On August 13th, Officer Ciardo gave a presentation on Workplace Safety to Universal Electronics.
- On August 20th, Chief Otterbacher gave a presentation on the Axon Cameras to the Kiwanis group.
- On August 28th, Sgt. Bradford, Det. Vander Steeg, Det. Meyer, J.O. Valadez, Ofc. Weston, and Chief Otterbacher conducted Active Threat and Hands On Training to all Whitewater Unified School District Personnel.

### **Proactive Community Policing and Crime Prevention Initiatives**

- On August 2<sup>nd</sup>, WPD held National Night Out, our first national annual community connection event to enhance partnerships between the community and public safety; police, fire and rescue.
- WPD bike officers and community service officers connected with incoming UW-W students, sharing brochures on community living, being a good neighbor and how to host social gatherings that are legal and safe.
- On August 28<sup>th</sup>, WPD provided hands-on training with Whitewater Unified School District personnel on response to an active threat using the options-based training.
- Crime Prevention Officer John Kleinfeldt was featured in a crime prevention video to be aired on the city cable channel highlighting how to prevent property crimes through proactive safety measures and maintaining a watchful eye throughout their neighborhoods.
- During the month of August, Crime Prevention Team members facilitated personal one-on-one meetings with tavern owners to discussion any concerns and share upcoming training opportunities for tavern personnel.



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*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **10/01/2013**

ITEM: **City Budget Delivery to Common Council**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED:

**The City Manager will deliver a draft version of the 2014 Annual Budget to the Common Council for review. The Council will hear budget presentations from each department starting on October 15, 2013. The draft budget will include financial data from all departments and for all funds.**

BUDGET IMPACT, IF ANY: **N/A**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

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

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262.473.0100.**



## PROCLAMATION

**WHEREAS**, at the end of World War II many people wanted to share our country's abundance with European war victims; and Church World Service and CROP's first purpose was to gather wheat and other crops from U.S. farms for shipment to Europe; and,

**WHEREAS**, today, locally-organized, Church World Service-sponsored CROP Walks are an important part of community life for more than 2,000 towns and cities in the United States, bringing together people of different faiths, diverse cultures, and all age groups; and,

**WHEREAS**, in the last 15 years alone, CROP Walks have raised over \$200 million to bring help and hope to people in need in more than 80 countries, including the U.S.; and,

**WHEREAS**, each year CROP WALKS help more than 3,200 local food pantries, food banks and meal sites in the U.S. provide food to neighbors in need, including our own Whitewater Food Pantry and the Gathering Community Meal in Whitewater.

**WHEREAS**, the Annual CROP Walk will be held on **Sunday, October 6<sup>th</sup>, 12:30 p.m., from Fairhaven Retirement Community to St. Luke's Episcopal Church**, to help our community become aware of and concerned about hunger and its causes; and,

**WHEREAS**, the CROP Walk will raise funds to help stop hunger both locally and globally;

**NOW, THEREFORE**, I, Cameron Clapper, City Manager of Whitewater, do hereby proclaim

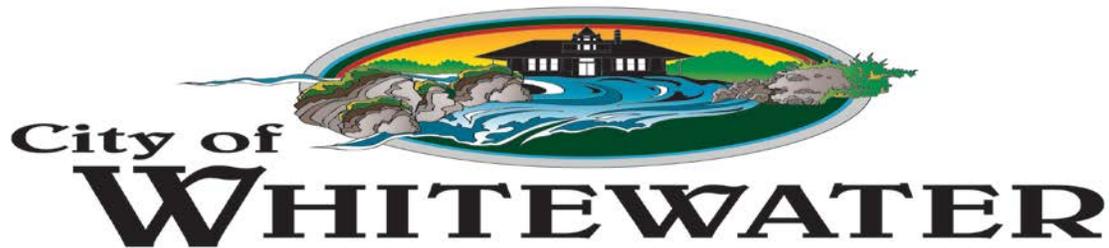
**Sunday, October 6<sup>th</sup> as CROP WALK DAY in Whitewater and do urge the citizens of Whitewater to support this CROP Walk.**

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Cameron L. Clapper, City Manager

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Michele R. Smith, City Clerk



MEETING DATE: October 1, 2013

ITEM: Consideration

PRESENTER: Chief Otterbacher

TITLE: Adopt Resolution for Suburban Mutual Assistance Response Team (S.M.A.R.T)

PREVIOUS ACTION: None

ISSUE SUMMARY:

Suburban Mutual Aid Response Teams (S.M.A.R.T) is a law enforcement mutual aid system operating in Southeastern Wisconsin through intergovernmental service agreement. The team can be activated through an automatic and systematic response to provide immediate extra law enforcement officers and equipment to the scene of law enforcement emergencies. S.M.A.R.T was formally established in 1993 and currently serves over 39 agencies.

The activation is for emergency situations that threaten or cause loss of life and property which exceeds the physical and organization capabilities of the local law enforcement agency. Traditionally, the responding additional resources will assist in a number of support capacities to include traffic control, escorts and/or calls for service to maintain routine patrol operations. As a general rule, responding S.M.A.R.T personnel will not be deployed to hazardous duties unless adequate personnel from the requesting agency have been exhausted. S.M.A.R.T is not deployed for day-to-day resources; it is a resort to turn to when an emergency has caused its law enforcement agency to exceed its own routine capabilities.

Currently the Whitewater Police Department has a similar agreement in Jefferson County; Jefferson County Mutual Aid Response Plan (JMARP). We do not currently have any formal mutual aid intergovernmental agreements in Walworth County. Jefferson County is currently reviewing S.M.A.R.T to consider entering into the larger mutual aid agreement. Several agencies in Walworth County have committed to joining S.M.A.R.T. We would anticipate disbanding JMARP if/when all Jefferson County law enforcement agencies have entered into the S.M.A.R.T agreement.

S.M.A.R.T has established By-laws, a governing board and an annual fee of \$100.00. The S.M.A.R.T dispatch center that will activate the S.M.A.R.T patch and announcement will be Waukesha County Communications Center. The request can be authorized by any shift commander of a S.M.A.R.T agency.

**BUDGET IMPACT:** Potential overtime costs if/when S.M.A.R.T is activated and the Whitewater Police Department has been requested to respond to an incident. The response should be one (1) officer, which will be pulled from the existing shift and backfilled with an officer on overtime **IF** we fall below minimum staffing limits and/or the need extends beyond the officers' assigned shift. The average number of call-outs for S.M.A.R.T. has been two (2) times per year. The Whitewater Police Department has not experienced a call out through JMARP since its implementation.

**BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION:** Not applicable.

**STAFF RECOMMENDATION:** Not applicable.

**RECOMMENDED MOTION:** I would recommend entering into the S.M.A.R.T intergovernmental agreement. S.M.A.R.T is a well established system which can deploy a number of law enforcement resources quickly and efficiently in a systematic order. The potential expense to deploy one paid Whitewater police officer to a neighboring community is significantly offset by the number of sworn law enforcement officers who may respond to assist Whitewater Police Department police personnel in a crisis. S.M.A.R.T was used during the Oak Creek Temple shooting and the Brookfield Salon shooting.

**ATTACHMENT(S):** Included are the By-laws of the S.M.A.R.T organization and the S.M.A.R.T operating procedures. City Attorney Wallace McDonell will provide the resolution authorizing the mutual agreement and the Whitewater Police Department's participation in the agreement.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING A MUTUAL AID AGREEMENT  
PARTICIPATION IN MUTUAL ASSISTANCE RESPONSE TEAMS**

**WHEREAS**, the City of Whitewater and other participating agencies in this agreement are so located that it is to the advantage of each to extend aid to the other with respect to the delivery of law enforcement services; and

**WHEREAS**, it is recognized that the use of police officers to perform duties outside the territorial limits of the municipality by whom they are employed may be desirable and may be required under certain circumstances to protect and preserve the common health, safety, and welfare; and

**WHEREAS**, the City of Whitewater and other participating agencies deem mutual aid law enforcement services to be in the best interest of their respective communities; and

**WHEREAS**, authority is granted to enter into the mutual aid agreement pursuant to the law of the State of Wisconsin in Section 66.0301.

**NOW, THEREFORE, BE IT RESOLVED** the City of Whitewater officials and employees are hereby authorized and directed to do and perform all that is necessary to successfully carry out the terms of this resolution.

**BE IT FURTHER RESOLVED** that this resolution shall take effect and be in force from and after its passage.

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

AYES:

NOES:

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

ABSENT:

ADOPTED:

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

**BY-LAWS OF THE**

**SUBURBAN MUTUAL ASSISTANCE RESPONSE TEAMS**

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"The purpose of these By-Laws is to establish a governing board as required by Section 3G of the Intergovernmental Service Agreement, and the rules under which the governing board shall operate."

**Article I - Authority**

The Suburban Mutual Assistance Response Teams were established by an intergovernmental service agreement in 1993. System membership is in full force and in effect with the passage and approval of a companion resolution by all participating agencies, in the manner provided by law, and in the signing of the intergovernmental agreement by the Village President, City Mayor, County Sheriff, Town Board Chairman, or memorandum of understanding on the part of a state agency.

**Article II - Purpose**

S.M.A.R.T. is organized to provide a system of mutual aid among participating law enforcement agencies. The purpose is explicit in the "intergovernmental agreement" reading as follows:

*"This agreement is made in recognition of the fact that situations may occur which are beyond the ability of the individual law enforcement agency to deal with effectively in terms of personnel, equipment and available resources. Each agency identified on Appendix 1 expresses its intent to assist the other agencies identified on Appendix 1 by assigning some of its personnel, equipment and available resources to a requesting agency as resources and situations allow. The specific intent of this agreement is to permit the law enforcement agency of each municipality to more fully safeguard the lives, persons, and property of all citizens."*

**Article III Extraordinary events**

Pre-approval by the President of SMART or his/her designee is required for activation of SMART for any pre-planned extraordinary events (i.e. dignitary protection). The President will take into account the requesting agency's resources and that the County Sheriff's Office has also been depleted by the same event and they are not able to fill the need of the requesting agency.

**Article IV - Membership**

Section 1 Before any agency may become a member of S.M.A.R.T., its membership must be approved by the Board of Directors. Membership shall be limited to Wisconsin law enforcement agencies, as defined by Wisconsin Statutes.

Section 2 Board of Directors will, by a majority vote, approve or disapprove the membership of any requesting agency after the submission of approved application form and the recommendations of an active S.M.A.R.T. member.

Section 3 When considering membership, the Board of Directors shall consider all factors including:

- a. Agencies' capabilities of providing or being resources to the S.M.A.R.T. communities.
- b. Geographic proximity to other S.M.A.R.T. agencies.

Section 4 Applicants shall become members upon the approval of the Board of Directors, the execution of the Intergovernmental Agreement by the corporate authority of the applicant agency, and the payment of applicable membership fees.

Section 5 Members who fail to meet their obligations in accordance with the Intergovernmental Agreement or with these By-Laws may be excluded from membership by a 2/3 vote of the Board of Directors.

Section 6 By a 2/3 vote of the Board of Directors, any agency found responsible of any behavior detrimental to law enforcement or whose continued membership would prove detrimental to S.M.A.R.T., shall be suspended or expelled from membership. Before any member may be suspended or expelled, the member will be notified of the hearing and shall have a right to appear before the Board.

#### **Article V - Membership Fees/Dues**

Section 1 Each participating agency will be required to pay a one-time registration fee of \$100.

Section 2 In the event that a special assessment should become necessary for unanticipated costs, this special assessment must first be approved by a majority vote of the membership.

#### **Article VI - Officers of Suburban Mutual Assistance Response Teams**

Section 1 The officers of S.M.A.R.T. shall consist of a President, Vice President, and Secretary/Treasurer. They shall have been a member in good standing for at least one year prior to their election.

Section 2 The President, Vice President, and Secretary/Treasurer shall hold office for a term of two (2) years or until their successors have been duly elected, providing they continue to qualify for active membership during their term of office. All officers may be re-elected for additional terms of office. The election shall be held at the first meeting of each even numbered calendar year.

- Section 3 Nominations shall be taken from the floor. Any active member of S.M.A.R.T. may make nominations.
- Section 4 Election shall be by ballot. If there is only one nominee for each office, election may be by voice vote. A majority shall elect on the first ballot. In the event no candidate receives a majority vote, a second ballot shall be taken between the two candidates receiving the highest number of votes. Elected officers shall be installed immediately following the elections and shall assume their duties of office at that time.
- Section 5 The term of any member of the Board of Directors shall terminate immediately after the person's status as a member of a participating S.M.A.R.T. agency ceases. Any vacancy occurring as a result of a member of the Board of Directors vacating their term of office shall be filled by a special election held at a special meeting of the general membership called by the President or, in his absence, the Vice President.

#### **Article VII- Board of Directors**

- Section 1 The Board of Directors of S.M.A.R.T. shall consist of the President, Vice President, Secretary/Treasurer, and the two (2) active members (one from Milwaukee County, one from Waukesha County) elected at the general meeting of each even numbered calendar year. A member of the senior staff (or delegate) of each SMART dispatch center (2) shall also be voting members of the Board of Directors.  
The Board of Directors shall serve for a two-year period. All directors must be the CEO or official designee of a participating S.M.A.R.T. agency.
- Section 2 The Board of Directors shall have the authority to take all appropriate actions and to perform all duties required to accomplish the stated purpose of S.M.A.R.T.
- Section 3 The Board of Directors shall convene at a time and place as specified by the President. The President shall preside at the meetings of the Board of Directors and conduct business for S.M.A.R.T. The membership will be updated on all Board activities at each regularly scheduled S.M.A.R.T. meeting.
- Section 4 Four (4) members of the Board of Directors shall constitute a quorum.
- Section 5 Objections to rules or actions by Board of Directors may be made by any member. Objections by members will be brought to a vote by the general membership in attendance and decided by a majority vote.
- Section 6 The Board of Directors shall promulgate an operational plan (Definitions and Operating Procedures) for giving and receiving aid under the provisions of the Intergovernmental Service Agreement.

**Article VIII - Duties of the Directors**

- Section 1 The President shall preside at all general meetings of S.M.A.R.T., and may delegate administrative responsibilities for the daily operations of S.M.A.R.T.
- Section 2 The Vice President shall serve as an assistant to the President, and in the absence or inability of the President, shall perform the duties of that office. If a vacancy occurs in the office of the President, the Vice President shall succeed in that office for the remainder of the term. The Secretary/Treasurer will serve as third in line of succession.
- Section 3 The Secretary/Treasurer shall keep a record of the proceedings of all meetings for S.M.A.R.T. He/she shall carry on all official correspondence of the Association under the direction of the Board of Directors and provide to each member the official minutes of all general membership meetings.
- Section 4 The Secretary/Treasurer shall receive all monies of S.M.A.R.T. and shall be custodian of all funds; these funds to be deposited in a financial institution approved by the Board of Directors. The Secretary/Treasurer shall give a full financial report at the General Membership Meeting. The Secretary/Treasurer shall also sign checks and perform such other duties as usually pertain to the office.

**Article IX - Compensation**

- Section 1 Officers and members of the Board of Directors shall serve without compensation.
- Section 2 The Board may approve compensation, as needed, for all other professional services required by S.M.A.R.T.

**Article X - Disbursements**

- Section 1 Any disbursement of funds must be reviewed by the S.M.A.R.T. President and approved by the Secretary/Treasurer and reported to the Board of Directors. Disbursements in excess of \$250 must be first approved by the Board of Directors.

**Article XI - Meetings**

- Section 1 General S.M.A.R.T. meetings shall be held semi-annually at such date, time and place as shall be determined by the Board of Directors.
- Section 2 The Board of Directors shall meet when determined by the President.
- Section 3 The Board may suspend meetings if they are in conflict with other law enforcement activities.

Section 4 Special meetings may be called by the President and/or the Board of Directors if S.M.A.R.T. business so dictates.

Section 5 All matters put to a vote at a general meeting shall be decided by a majority vote of the active members present. Each agency has one (1) vote. The Chief Executive Officer or his/her designee may vote.

Section 6 Ten (10) active members shall constitute a quorum at a general meeting. Four (4) active members shall constitute a quorum at Board of Directors meetings.

Section 7 All matters put to a vote at a Board of Directors meeting shall be decided by a majority vote of the Directors.

**Article XII - Committees**

Section 1 The President shall create such committees as are deemed necessary to accomplish the purpose and the needs of S.M.A.R.T.

**Article XIII - Fiscal Year**

Section 1 The fiscal year of S.M.A.R.T. shall be from January 1 to December 31.

**Article XIV - Amendments**

Section 1 These By-Laws may be amended at any general or special membership meeting of S.M.A.R.T. by a majority vote of only those Chief Executive Officers present, providing the amendment shall have been sent to the membership at least 15 days prior to the meeting.

Section 2 Prior to the meeting at which the amendment is to be considered, the Board shall consider the proposed amendment and report its recommendations to the membership prior to their vote upon the proposed amendment.

**Article XV - Property**

Section 1 The legal and equitable title of all property shall remain with S.M.A.R.T.

Section 2 The records of S.M.A.R.T. shall be kept based upon the following schedule:

- Historical Incorporation Documents-Lifetime
- Financial Record Documents-Lifetime
- All other documents-7 Years

**Article XVI - Dissolution**

Section 1 If at any regular or special meeting called for the purpose of dissolution, three-fourths of the active membership vote in favor of dissolution of S.M.A.R.T., S.M.A.R.T. shall be dissolved within 60 days of such vote.

Section 2 Immediately after a vote favoring dissolution, the Board of Directors shall proceed to settle any financial obligations pending against S.M.A.R.T. and to dispose of all property held.

Section 3 All funds and property remaining after all claims have been settled shall be turned over to the Board for disposal.

Section 4 The property may be offered for purchase to members via sealed bid, as determined by the Board. If the property is not purchased or bids refused, then it shall be turned over to such non-profit, tax exempt organizations as selected by the Board.

Section 5 All S.M.A.R.T. funds remaining shall be evenly distributed by the Board to all members of good standing.

**Article XVII - Effective Date**

These By-Laws shall be in full force and effect from and after their passage and approval at a general meeting of the Suburban Mutual Assistance Response Teams.

AYES: 9 /NAYS: 0

PASSED this 18th day of April, 2012

APPROVED this 18th day of April, 2012

APPROVED:

Chief Robert J. Rosch President

ATTEST:

Inspector Steve Marks, Secretary

*History:*

Adopted: 5/17/94

Revised: 6/01/00

Revised: 4/12/06

Revised: 4/21/10

Revised: 4/18/12

BAYSIDE

BROOKFIELD CITY

BROOKFIELD TOWN

BROWN DEER

BUTLER

CHENEQUA

CUDAHY

DELAFIELD

FOX POINT

FRANKLIN

GLENDALE

GREENDALE

GREENFIELD

HALES CORNERS

HARTLAND

MENO FALLS

MILWAUKEE

MUKWONAGO

MUSKEGO

NEW BERLIN

OAK CREEK

OCONOMOWOC CITY

OCONOMOWOC TOWN

PEWAUKEE VILLAGE

RIVER HILLS

SAINT FRANCIS

SHOREWOOD

SOUTH MILWAUKEE

STATE FAIR

STATE PATROL

SUMMIT

UW MILWAUKEE

WAUKESHA CITY

WAUKESHA COUNTY

WAUWATOSA

WEST ALLIS

WEST MILWAUKEE

WHITEFISH BAY

38 CURRENT MEMBERS

## SUBURBAN MUTUAL ASSISTANCE RESPONSE TEAMS

### DEFINITIONS AND OPERATING PROCEDURES

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#### **PURPOSE**

The Suburban Mutual Assistance Response Teams (S.M.A.R.T.) is a law enforcement mutual aid system operating in Southeastern Wisconsin.

The purpose of S.M.A.R.T. is:

1. To provide immediate extra law enforcement officers and equipment at the scene of law enforcement emergencies.
2. To provide for automatic and systematic response of law enforcement officers.
3. To provide for contractual responsibilities and liabilities.
4. To provide broad area coverage.
5. To foster a cooperative spirit for law enforcement emergency planning.
6. As a general rule, mutual aid personnel will supplement the requesting agency's forces, and as such, should not be assigned to hazardous duties when adequate personnel from the requesting agency exists.

S.M.A.R.T. does not relieve a community of its responsibility to provide adequate personnel and equipment for day- to-day law enforcement operations. Each community has its first line of defense and its reserves. A community may only resort to S.M.A.R.T. when a law enforcement emergency has caused its law enforcement agency to exceed its own routine capabilities.

#### **DEFINITIONS**

Aiding Agency - An agency furnishing law enforcement officers and equipment to a requesting agency.

Incident - A situation that potentially threatens or causes loss of life and/or property or exceeds the physical and organizational capabilities of a law enforcement agency. Generally, the word "Incident" within this document refers to situations (emergencies) connected to a law enforcement response to severe storms, floods, hazardous material incidents, transportation accidents, large fires, public disorders, major crimes, barricaded subjects, hostage situations, searches, traffic control, terrorist activities and other similar occurrences.

Mutual Aid - A prearranged written agreement and plan whereby regular response and assistance is provided in the event of incidents from a requesting agency by the aiding agency in accordance with the law enforcement incident assignments as developed by the Police Chiefs/Sheriffs of the participating law enforcement agencies.

S.M.A.R.T. Dispatcher - Pre-determined law enforcement communications centers responsible for the coordination and assignment of law enforcement mutual aid personnel under this plan. The Primary Dispatch Center will handle most requests for mutual aid. The Alternate Dispatch Center will handle the activities should the primary dispatcher become involved in an incident or be unavailable.

Police Incident Area - A geographic area in which a Police Incident Location exists.

Police Incident Assignment Sheet - A form used by S.M.A.R.T. dispatchers to record the response to a mutual aid request.

Police Incident Card - A printed form containing details of personnel to respond to a specific law enforcement plan level request. It includes a series of law enforcement response levels (Plans) designed to meet the needs of varying degrees of incidents (emergencies).

Law Enforcement Officer - Any person as defined in Section 165.85(2)(c), Wis. Stats., and who is on full and unrestricted duty status.

Squad Car - A law enforcement vehicle that is equipped with mounted or portable warning lights and has communications equipment.

Staging Area - A predetermined location outside the immediate incident area where law enforcement personnel and equipment will assemble.

Staging Area Coordinator - An officer assigned to coordinate activities at the staging area.

### **THE POLICE INCIDENT CARD**

The Police Incident Card consists of a series of personnel response levels designed to meet the needs of varying degrees of emergencies. At the same time, the plan insures that aiding agencies maintain adequate personnel levels in their own communities.

A S.M.A.R.T. Level 1 Incident requires five (5) law enforcement officers to respond to a staging area. If an incident continues to escalate and more personnel are needed, the aiding agency can initiate additional levels. Each level brings five (5) additional officers and squad cars to the staging area.

The Police Incident Card contains the following information:

1. Agency Name and Phone Number - The name and phone number of the agency for which the Police Incident Card was developed.
2. Police Incident Assignments – A chart which lists eight (8) Police Incident Plan levels.
3. Police Incident Staging Areas - A listing of up to four (4) locations (staging areas) within the jurisdiction. Each area is identified by a unique designator. A staging area name, address and location description is provided for each staging area.

### **REQUESTING A S.M.A.R.T. RESPONSE**

1. The shift commander is authorized to request a S.M.A.R.T. response of any level which, in their opinion, is required to bring a situation under control.
2. After determining the scope of the incident and Plan level needed to bring the situation under control, the requesting community, through its law enforcement dispatcher, will immediately contact the S.M.A.R.T. dispatcher and provide the following information:
  - A. THE NAME OF THE REQUESTING AGENCY AND SUPERVISOR.
  - B. THE POLICE INCIDENT STAGING AREA NUMBER REQUESTED.
  - C. THE POLICE INCIDENT PLAN LEVEL REQUESTED.
  - D. THE NATURE OF THE INCIDENT.
  - E. ANY OTHER SPECIAL DETAILS OR INSTRUCTIONS FOR RESPONDING PERSONNEL.
3. Extraordinary Events

Pre-approval by the President of SMART or his/her designee is required for activation of SMART for any preplanned extraordinary events (i.e. dignitary protection). The President will take into account the requesting agencies resources and that County's Sheriff Office has also been depleted by the same event and they are not able to fill the need of the requesting agency.

**S.M.A.R.T. DISPATCHER RESPONSIBILITIES**

1. If the Primary S.M.A.R.T. Dispatcher's community is involved in the incident or is unavailable, the Alternate S.M.A.R.T. Dispatcher will assume responsibility for coordinating the notifications.
2. The S.M.A.R.T. Dispatch center will contact the Waukesha County Communications Center (WKCC) and request the "S.M.A.R.T. Patch" and announcement.
3. The S.M.A.R.T. Dispatcher will check the corresponding Police Incident Card and notify those departments due to respond to the requesting agency's incident by means of the preformatted TTY message.

**CANCELLATION OF S.M.A.R.T. CALL-OUT**

Prior to the arrival of any or all of the SMART officers requested, the requesting agency Incident Commander or their designee will notify the SMART dispatch center by phone the need to cancel the response.

Once notification has taken place, The Center will immediately send a group administrative message to the responding agencies. The content of the preformatted message is:

"If your Department was requested to respond to a SMART call-out today at the \_\_\_\_\_ P.D. at approximately \_\_\_\_\_ you can cancel your responding squad.

If you have any questions regarding this cancellation contact \_\_\_\_\_ P.D. Direct any and all questions or comments to the requesting agency and only that agency."

**AIDING AGENCY DISPATCHER RESPONSIBILITY**

1. **SMART Incident Assignment TTY Request (NOT A TEST)**  
Primary SMART dispatch center - West Allis has established a preformatted message as the official means of notification of an actual SMART Incident Assignment Request (NOT A TEST).
2. Aiding agencies that receive the Incident Assignment Request message will be required to acknowledge or respond by TTY that they have received the notification and actually can or cannot deploy one of their squads to the staging area to satisfy the actual callout requirement. It is consistent with the goals and the spirit of the SMART organization agreement that the TTY response will occur within **5 minutes of receipt**.

**If no response is received, the SMART dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.**

**PROCEDURES FOR RESPONDING TO A REQUEST BY OFFICERS**

1. Unless otherwise directed, each law enforcement officer assigned to respond to a Police Incident will respond in uniform in a squad car. No law enforcement officer will respond to a mutual aid request unless directed by his/her agency.
2. **ALL RESPONSES BY AIDING AGENCIES SHALL BE NON-EMERGENCY ONLY! NO EXCEPTIONS.**
3. Responding law enforcement officers shall be properly equipped for extended duty and changing weather conditions.

**RADIO COMMUNICATIONS**

Interoperability is a critical issue at any major event and interoperability is available for all agencies who have access to the 800 MHZ radio systems in both Milwaukee and Waukesha Counties. Agencies are urged to use the Countywide talk groups in Milwaukee County and SMART 1 or 2 in Waukesha County. This should be done after arrival at the staging area and upon the command of the Staging Area Coordinator.

**OPERATIONS AT THE STAGING AREA**

1. The requesting agency will assign an officer to act as the Staging Area Coordinator. The Staging Area Coordinator will report to the Staging Area and deploy the S.M.A.R.T. personnel as requested by the Incident Commander.
2. The staging area coordinator will create and maintain an assignment record for officer safety and accountability purposes.
3. The responding personnel shall remain at the staging area until deployed or released by the staging coordinator.
4. The staging area coordinator is in command of the staging area, and all responding officers are under the command of the staging area coordinator. Once deployed to a specific task, that officer shall then be under the command of the Incident Commander or designee.

**OPERATIONS AT THE EMERGENCY SITE**

1. The initial responsibility of the requesting agency at the incident site is to evaluate the extent of the emergency situation and take immediate steps to insure that adequate law enforcement personnel and equipment are made available.

2. The Incident Commander of the requesting agency shall assume full responsibility and command for operations at the scene. The Incident Commander will assign personnel and equipment of the aiding agency to positions when and where he/she deems necessary. Some suggested uses of mutual aid personnel are:
  - a. Provide care and aid to injured
  - b. Search and rescue operations
  - c. Evacuation
  - d. Traffic and crowd control
  - e. Perimeter security
  - f. Maintain regular law enforcement service
3. As a reminder, mutual aid personnel will supplement the requesting agency's forces, and as such, should not be assigned to hazardous duties when adequate personnel from the requesting agency exists.
4. Due to differences in ten-signals, plain text will be used in contrast to codes and ten-signals.
5. When possible, the Incident Commander or his/her designee should call the responding agency and advise how long they will be keeping their personnel.

#### **TERMINATING A S.M.A.R.T. RESPONSE**

1. The Incident Commander of the requesting agency shall insure that mutual aid personnel are released and returned to duty in their own communities as soon as the situation is restored to the point which permits the requesting municipality to satisfactorily handle it with its own resources.
2. Whenever the Incident Commander determines S.M.A.R.T. officers are no longer needed, the Incident Commander shall terminate the S.M.A.R.T. response. Notice of said termination shall be made to the S.M.A.R.T. dispatcher.
3. The order in which personnel are returned to duty in their own communities is at the discretion of the Incident Commander.

## TESTING PROCEDURES

It is very important to test the system and ensure that the many different agencies and their employees have a keen understanding on how to request and respond to a request. Therefore, it is important to practice the process and at times the actual response.

The organization has established a monthly test of the request portion of the process. This will be conducted once a month in both the Milwaukee County and the Waukesha County portions of the system. A bi-annual test of the actual physical response for each county has also been established. Those testing procedures are outlined below.

### 1 **Monthly TTY Test**

The primary and secondary dispatch centers for the organization will be responsible for conducting the monthly TTY test. The centers will advise the President of problems or issues encountered with each test.

Primary SMART dispatch center, West Allis, has established a preformatted message as the official means of notification for the monthly test. The text message will be sent to all of the Level 1 and 2 aiding agencies identified on the requesting agency's "Police Incident Card".

Aiding agencies that receive the monthly TTY test message will be required to acknowledge or respond by TTY that they have received the notification and would or would not have been able to send a squad if this would have been a real activation. No other action is needed by the aiding agency. It is consistent with the goals and the spirit of the SMART organization agreement that the TTY response will occur within **5 minutes of receipt**.

If no response is received, the SMART dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.

2. **Physical Response SMART Test (mandatory squad response to staging area)**

Each agency will take a turn as the host agency for this Physical Response Test. Selection of the host agency for the upcoming period will take place at the bi-yearly S.M.A.R.T. meeting. A summary of the test will be completed by the testing agency and results presented at the next meeting of the members. It is important to actually deploy the responding agencies and test the radio communications with each of the units before their release.

Primary SMART dispatch center, West Allis, has established a preformatted message (see sample attachment #2) as the official means of notification of the semi-annual Physical Response SMART test. This preformatted message is uniquely marked at the top from other SMART messages to avoid undo confusion.

Aiding agencies that receive the Physical Response SMART Test message will be required to acknowledge or respond by TTY that they have received the notification and actually deploy one of their squads to the staging area to satisfy the Physical Response SMART test requirements. It is consistent with the goals and the spirit of the SMART organization agreement that the TTY response will occur within **5 minutes of receipt.**

If no response is received, the SMART dispatch center will follow up with a phone call at that point to clarify that the original TTY was received by the aiding agency.

**MONTHLY TTY TEST TEMPLATE**

**MUST CALL WAUKESHA COMMUNICATIONS CENTER TO ACTIVATE THE  
"PRE-ALERT NOTIFICATION" PRIOR TO SENDING OUT THE TTY**

**--COMMUNICATIONS CENTER--TTY Response required within 5 minutes**

Reference:     Monthly S.M.A.R.T. Test (TTY only)

Requesting Agency: \_\_\_\_\_

Supervisor Requesting Response: \_\_\_\_\_

Staging Area: \_\_\_\_\_ (check S.M.A.R.T. Manual for detailed location)

Response Level: \_\_\_\_\_

Incident Description: TTY TEST ONLY \_\_\_\_\_

Special Instructions:

\*Traffic problems: \_\_\_\_\_

\*Equipment needed: \_\_\_\_\_

**\*\*Dispatch, please respond immediately by TTY to acknowledge receipt and whether or not your agency would have been able to send a marked squad as required.**

Any pertinent questions regarding this TTY, please call \_\_\_\_\_

Dispatcher: \_\_\_\_\_

**PHYSICAL RESPONSE TEST TEMPLATE**

**MUST CALL WAUKESHA COMMUNICATIONS CENTER TO ACTIVATE THE  
"PRE-ALERT NOTIFICATION" PRIOR TO SENDING OUT THE TTY**

**--COMMUNICATIONS CENTER--TTY Response required within 5 minutes**

Reference:     Physical Response S.M.A.R.T. Test (Mandatory response to staging area)

Requesting Agency: \_\_\_\_\_

Supervisor Requesting Response: \_\_\_\_\_

Staging Area: \_\_\_\_\_ (check S.M.A.R.T. Manual for detailed location)

Response Level: \_\_\_\_\_

Incident Description: PHYSICAL RESPONSE TEST, Squad to be sent to staging area.

\_\_\_\_\_

Special Instructions:

\*Traffic problems: \_\_\_\_\_

\*Equipment needed: \_\_\_\_\_

**\*\*Dispatch, please respond immediately by TTY to acknowledge receipt of this message as well as if your agency will or will not be able to send a marked squad as required.**

Any pertinent questions regarding this TTY, please call \_\_\_\_\_

Dispatcher: \_\_\_\_\_

**INCIDENT ASSIGNMENT REQUEST TEMPLATE****MUST CALL WAUKESHA COMMUNICATIONS CENTER TO ACTIVATE THE  
"PRE-ALERT NOTIFICATION" PRIOR TO SENDING OUT THE TTY****--COMMUNICATIONS CENTER--TTY Response required within 5 minutes**Reference:  S.M.A.R.T. Incident Assignment Request (NOT A TEST)

Requesting Agency: \_\_\_\_\_

Supervisor Requesting Response: \_\_\_\_\_

Staging Area: \_\_\_\_\_ (check S.M.A.R.T. Manual for detailed location)

Response Level: \_\_\_\_\_

Incident Description: \_\_\_\_\_

Special Instructions:

\*Traffic problems: \_\_\_\_\_

\*Equipment needed: \_\_\_\_\_

**\*\*Dispatch, please respond immediately by TTY to acknowledge receipt of this message as well as if your agency will or will not be able to respond with a marked squad and ETA.****Any pertinent questions regarding this TTY, please call \_\_\_\_\_***History:*

Adopted: 5/94

Revised: 9/94

Revised: 6/00

Revised: 4/06

Revised: 10/07

Revised: 10/08

SUBURBAN MUTUAL ASSISTANCE RESPONSE TEAMS

POLICE INCIDENT CARD

<b>LEVEL 1</b>	Wauk. Co. S.O. <b>WKCC</b> 262-446-5090	Chenequa <b>WKCC</b> 262-446-5090	Delafield (City) <b>WKCC</b> 262-446-5090	Pewaukee (Village) <b>WKCC</b> 262-446-5090	Oconomowoc-Town <b>OWPD</b> 262-567-4401
<b>LEVEL 2</b>	Brookfield (Town) <b>WKCC</b> 262-446-5090	Summit <b>WKCC</b> 262-446-5090	Brookfield (City) <b>WKCC</b> 262-446-5090	Wauk. Co. S.O. <b>WKSO&amp;WKCC</b> 262-532-1700	Oconomowoc (City) <b>OWPD</b> 262-567-4401
<b>LEVEL 3</b>	Butler <b>WKCC</b> 262-446-5090	Waukesha PD <b>WKPD</b> 262-524-3831	New Berlin <b>NBPD&amp;WKCC</b> 262-446-5090	Muskego <b>MGPD</b> 262-679-4130	West Allis <b>WAPD</b> 414-302-8000
<b>LEVEL 4</b>	State Fair PD <b>WAPD</b> 414-302-8000	State Patrol <b>SPWK</b> 262-785-4710	UWM <b>UWMW</b> 414-229-4627	Men Falls <b>MFPD</b> 262-532-1700	Mukwonago <b>MKPD</b> 262-363-6435
<b>LEVEL 5</b>	Milw. Co. S.O. <b>MCSO</b> 414-278-4788	River Hills <b>RVPR&amp;BACC</b> 414-351-9900	Fox Point <b>FPPR&amp;BACC</b> 414-351-9900	Glendale <b>GLPD&amp;BACC</b> 414-351-9900	Cudahy <b>CUPD</b> 414-769-2221
<b>LEVEL 6</b>	South Milw. <b>SMPD</b> 414-768-8060	Franklin <b>FRPD</b> 414-425-2522	West Milw. <b>WMPD</b> 414-645-2151	Greendale <b>GDPD</b> 414-423-2121	Bayside <b>BACC</b> 414-351-9900
<b>LEVEL 7</b>	Whitefish Bay <b>WFPD&amp;BACC</b> 414-351-9900	Brown Deer <b>BRPD&amp;BACC</b> 414-351-9900	St. Francis <b>SFPD</b> 414-481-2232	Greenfield <b>GFPD</b> 414-761-5310	Shorewood <b>SHPD&amp;BACC</b> 414-351-9900
<b>LEVEL 8</b>	Hales Corners <b>HCPD</b> 414-529-6140	Oak Creek <b>OCPD</b> 414-762-8200	Wauwatosa <b>WUPR&amp;WUPD</b> 414-471-8444	Milw. Co. S.O. <b>MCSO</b> 414-278-4788	Wauk. Co. S.O. <b>WKCC</b> 262-446-5090

<b>AREA #</b>	<b>STAGING AREA</b>	<b>GRID</b>
<b>HL-1</b>	HARTBROOK MALL – 600 Hartbrook Drive, 53029 From East: Hwy. 16 west to Merton Ave. exit, straight to Hartbrook Drive to shopping center. From West: Hwy. 16 east to North Ave., north to Hartbrook Drive, east to Shopping Center.	
<b>HL-2</b>	DEPARTMENT OF PUBLIC WORKS (DPW) – 701 Progress Ave. I-94 to Hwy. 83, north to Cardinal La., east on Cardinal Lane to Progress Ave., south on Progress to DPW.	

REMINDER

- Assign an officer to the staging area to meet responding units on all incidents.
- **ADVISE UNITS TO RESPOND AS NON-EMERGENCY VEHICLES ONLY!**

Revised 03/13

## 2012 SMART TEST/USE OVERVIEWS

<u>DATE</u>	<u>AGENCY</u>	<u>INCIDENT TYPE</u>	<u>PROBLEMS</u>	<u>REMEDIAL ACTION</u>
1/8/2012	Franklin	Monthly TTY	None	None
1/29/2012	City of Oconomowoc	Monthly TTY	None	None
<b>2/17/2012</b>	<b>MCSO</b>	<b>Monthly TTY</b>	<b>See Notes</b>	<b>See Notes</b>
2/25/2012	City of Waukesha	Monthly TTY	None	None
3/10/2012	Bayside	Monthly TTY	None	None
3/12/2012	Butler	Actual Call	None	None
<b>4/11/2012</b>	<b>West Allis</b>	<b>Phys. Response</b>	<b>See Notes</b>	<b>See Notes</b>
4/26/2012	T/Brookfield	Monthly TTY	None	None
5/10/2012	Brown Deer	Monthly TTY	None	None
5/25/2012	V/Pewaukee	Monthly TTY	None	None
<b>6/9/2012</b>	<b>Whitefish Bay</b>	<b>Monthly TTY</b>	<b>See Notes</b>	<b>See Notes</b>
7/8/2012	S Milwaukee	Monthly TTY	None	None
7/21/2012	City of Pewaukee	Monthly TTY	None	None
8/5/2012	Oak Creek***	Actual Call	None	None
8/6/2012	Oak Creek	Actual Call	None	None
8/7/2012	Oak Creek	Actual Call	None	None
9/15/2012	New Berlin	Monthly TTY	None	None
9/26/2012	South Milwaukee	Actual Call	None	None
9/29/2012	Greenfield	Monthly TTY	None	None
10/21/2012	C/Brookfield	Actual Call	None	None
10/28/2012	Hales Corners	Monthly TTY	None	None
11/10/2012	V/Mukwonago	Monthly TTY	None	None
<b>11/15/2012</b>	<b>Hartland</b>	<b>Actual Call</b>	<b>See Notes</b>	<b>See Notes</b>
12/14/2012	Shorewood	Monthly TTY	None	None
12/23/2012	State Patrol	Monthly TTY	Dispatch Issue	See Notes
12/24/2012	Wauwatosa	Actual Call	None	None

<u>Date</u>	<u>Test Type</u>	<u>Issue</u>
2/17/2012	Monthly TTY	Original request from MCSO was sent by TTY to WAPD-should have been a phone call. Oak Creek responded to WAPD-response should have gone to MFPD who was conducting the test.
4/11/2012	Phys. Response Test	Numerous agencies did not respond to TTY, or sent TTY response to WAPD when MFPD was running the call-out. Some agencies didn't realize it was a required response.
6/9/2012	Monthly TTY	WCC did not get "patch" out before TTY responses were received from the requested agencies. WCC contacted for determine cause of this.
8/5/2012	Actual Call	Oak Creek Temple Shooting-Level 5 response.
8/6/2012	Actual Call	Oak Creek Temple Shooting-Level 2 for site security
8/7/2012	Actual Call	Oak Creek Temple Shooting-Level 3 for site security
10/21/2012	Actual Call	Brookfield Salon Shooting
11/15/2012	Actual Call	Original request from WCC was via TTY, not by phone. WAPD TTY malfunctioning. WAPD called all Level II agencies by phone for response verification. Man w/gun Hart North
12/23/2012	Monthly TTY	Dispatch didn't pick up a dept not responding and failed to go to next level to get 5th squad.
12/24/2012	Actual Call	Officer shooting event in Wauwatosa

Meeting Date: 10-1-13

ITEM: Proposed changes to the City's Official Zoning Map, petition to apply the R-O Non-Family Residential Overlay Zoning District to the R-2 zoned parcels along North Fremont Street.

PRESENTER: Latisha Birkeland

**PREVIOUS ACTION AND SUMMARY:**

The applicant, Council Member James Winship, is requesting that the R-O Non-Family Residential Overlay Zoning District be applied to 55 properties (48 tax parcels) along North Fremont Street. The Plan and Architectural Review Commission recommended this zoning change to the Common Council at their September 9th, 2013 meeting.

BUDGET IMPACT, IF ANY: None

**STAFF RECOMMENDATION:**

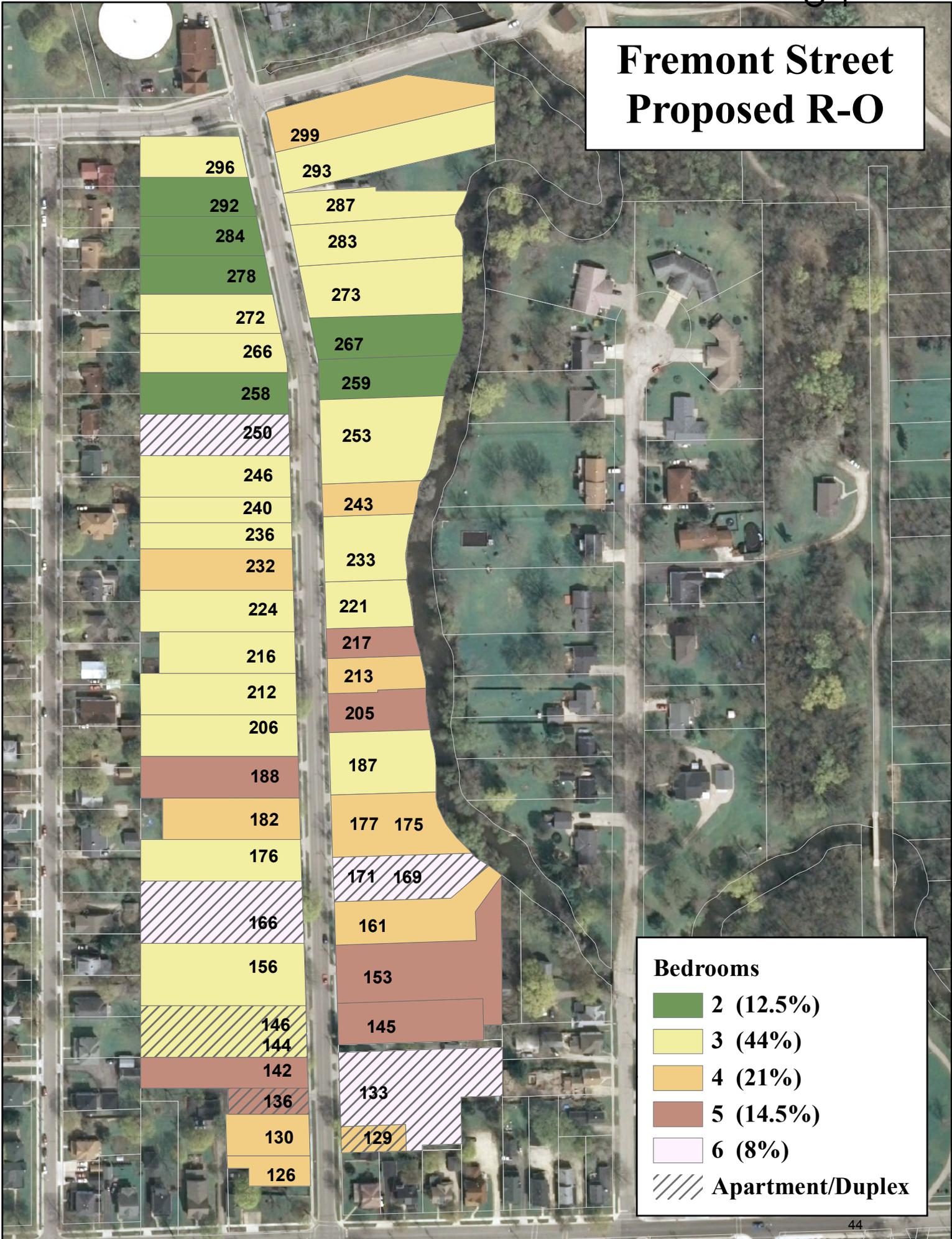
I recommend that the Common Council approve the request to apply the R-O Non-Family Household Overlay Zoning to all 55 properties (48 tax parcels) included in the petition along N. Fremont Street.

**ATTACHMENT(S) INCLUDED:**

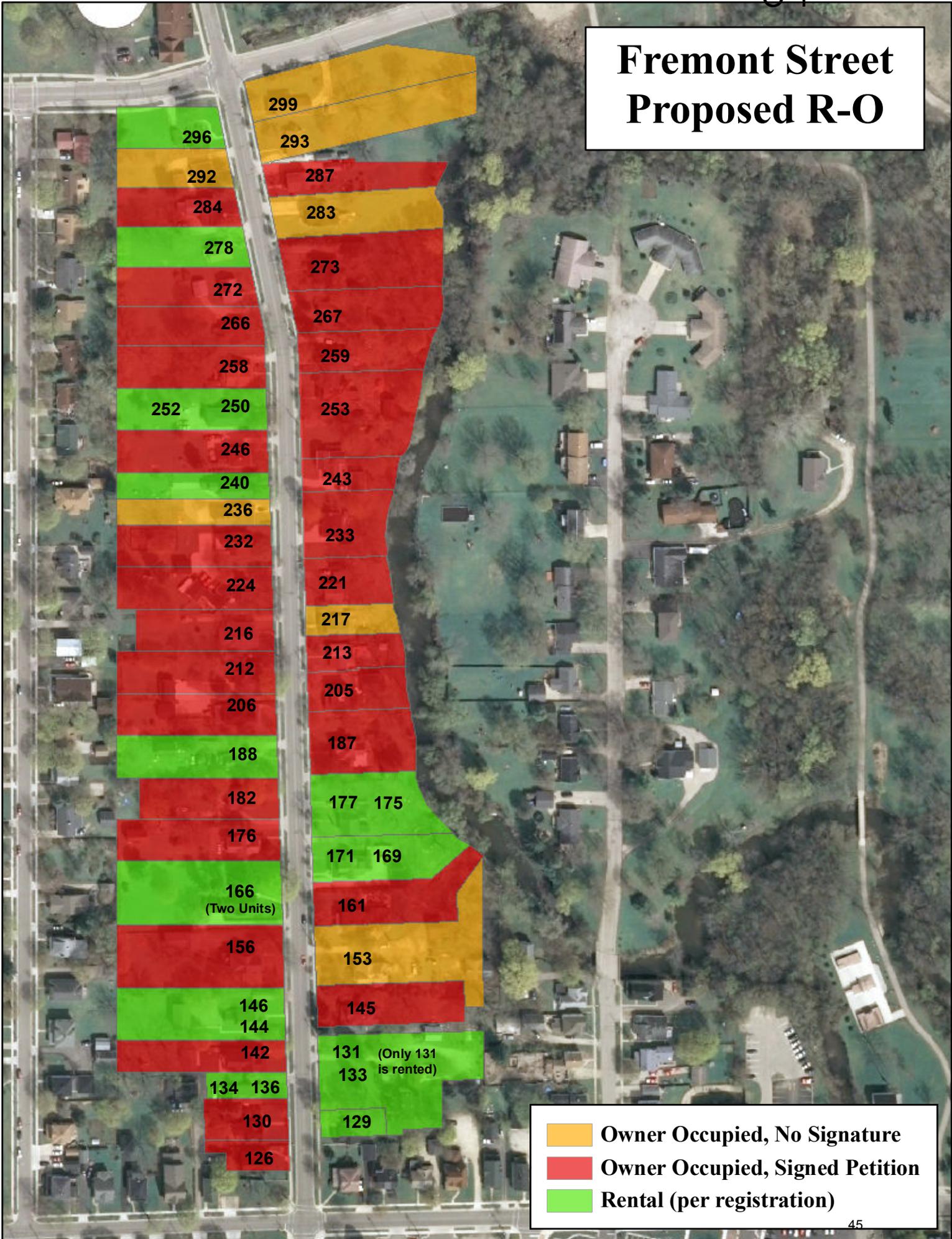
Petition, map of rental vs. non-rental (signed) properties, map of units per property and correspondence received.

FOR MORE INFORMATION CONTACT: Latisha Birkeland at 262-473-0143 or lbirkeland@whitewater-wi.gov

# Fremont Street Proposed R-O



# Fremont Street Proposed R-O



 Owner Occupied, No Signature

 Owner Occupied, Signed Petition

 Rental (per registration)



Neighborhood Services Department  
*Planning, Zoning, Code Enforcement, GIS  
and Building Inspections*

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0540

To: City of Whitewater Common Council  
From: Latisha Birkeland, Neighborhood Services Director / City Planner  
Meeting Date: October 1st, 2013  
Re: Proposed changes to the City's Official Zoning Map, petition to apply the R-O Non-Family Residential Overlay Zoning District to the R-2 zoned parcels along North Fremont Street.

#### **Summary of Request**

The applicant, Council Member James Winship, is requesting that the R-O Non-Family Residential Overlay Zoning District be applied to 55 properties (48 tax parcels) along North Fremont Street. 119 North Fremont is zoned B-2 Central Business Zoning District and not included in the petition.

All properties are zoned R-2 One and Two Family Residence District. The overlay zoning district, if applied, would restrict the maximum number of unrelated persons per housing unit from 3 unrelated persons to 2 unrelated persons. The underlying R-2 zoning would not change as it affects potential uses, setbacks, and other standards applicable to all lands zoned R-2.

The City Council adopted the R-O Non-Family Residential Overlay District as an overlay zoning district option in May 2010. The purpose was to advance the neighborhood preservation strategy outlined in the City's Comprehensive Plan and to provide another mechanism for preserving the character of the City's predominately single-family, owner-occupied residential neighborhoods.

#### **Analysis**

During this analysis, I researched the R-O Zoning Overlay creation approval, the application procedure for the R-O Zoning Overlay and the report by Vandewalle and Associates. Thank you to all that contributed to the earlier reports. This report contains many similarities to those given to you in the past.

The application of the R-O overlay zoning to this area of the City would be consistent with the policies set forth in the City's Comprehensive Plan. One of the main recommendations in the Comprehensive Plan is to "implement a variety of polices for elevating the quality, appearance, and function of all neighborhoods in the City of Whitewater."

"The City has been continually challenged by how to appropriately integrate students into City neighborhoods while simultaneously preserving quiet, safe, stable, and amenity-rich places for non-student residents to live, raise families, and enjoy retirement. Given the proximity to the University campus it is likely that this area would continue to feel the pressure to accommodate off-campus, student-oriented rental housing. Yet, through the

neighborhood preservation analysis conducted as part of the comprehensive planning process, the Historic Starin Park Neighborhood area ranked as a very appropriate neighborhood to focus “single-family-focused” neighborhood preservation strategies,” per Vandewalle and Associates.

1. In response to this petition for R-O overlay zoning, we created an analysis of the properties included in the petition (attached). Data used in this analysis came from a variety of sources, some of which are a few years old. The data is not perfect, but on the whole staff feels like it is accurate enough to get a picture of what North Fremont Street is like and the appropriateness of the R-O overlay zoning for the area.
  - a. Owner Occupancy Status: the City has a rental registration policy. From that data, we originally identified 20 rental units (registered) in the proposed R-O area. However, we relooked at the data and found the actual number of rental properties in the proposed R-O is 12 properties with 18 total rental units. The number of parcels (48) and number of units (55) remain the same. The updated numbers yield 25% of properties are rentals and 32.7% of units are rentals.
 

There are two reasons for this error. 1) We found this error because 133 N. Fremont Street was counted as two rentals, when only one unit is rented. 2) There are some properties listed multiple times in the rental registration list.
  - b. Number of Bedrooms Per Dwelling: An analysis of the number of bedrooms on each property included in the petition. Please see attached map. The breakdown is as follows:
 

Two bedrooms (12.5%)	Five bedrooms (14.5%)
Three bedrooms (44%)	Six bedrooms (8%)
Four bedrooms (21%)	

2. Reducing the non-family household limit to two unrelated persons via R-O zoning would likely mean that many of the 3+ bedroom homes would not be as attractive as they are today to be rented out to a non-family household. This may limit the potential future market for the sale or rental of existing homes.

Applying the overlay zoning to these properties, particularly those with 3+ bedrooms, enforcement of non-family household rules could become more challenging in the future.

If the R-O overlay zoning is approved by the Common Council, the owner of any property claiming non-conforming use status regarding the unrelated persons limitations imposed by the R-O zoning shall register with the city clerk, on a form provided, within ninety (90) days of the imposition of the zoning on the property. The full ordinance for the R-O zoning district (Chapter 19.25) is attached.

### **Recommendation**

The application of the R-O overlay zoning district to this area of the City would be consistent with the recommendations and policies outlined in the Comprehensive Plan overall and for this neighborhood. The Plan and Architectural Commission recommended that the Common Council approve the request to apply the R-O Non-Family Household Overlay Zoning to all 55 properties (48 tax parcels) included in the petition along N. Fremont Street at their September 9th, 2013 meeting.

## CBP PROPERTIES, LLC

Tuesday, August 27, 2013

City of Whitewater

RE: Rezoning of Fremont Street

To Whom It May Concern:

I am writing as a concerned property owner of property that would be affected by the proposed rezoning of the Fremont Street area. I understand the proposed rezoning would restrict occupancies of properties in the affected area to two non-related individuals. I presume the proponents of this rezoning proposal have a vested interest in property in the affected area and that they are of the belief that such rezoning will protect their interests. In other words, should the proposal fail they believe their interest might be compromised. Therefore, they are requesting that the city use its legislative powers to shift their perceived risk of devaluation of their property to their neighbors by restricting their neighbor's use.

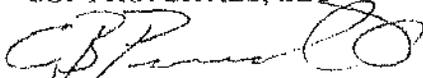
While I am sure that many of the homes in the affected area are homeowner occupied as primary residence, other properties including mine were purchased as investment properties under the current zoning regime. In the latter cases I am sure that investors who chose to purchase these multi-bedroom dwellings considered as a factor the zoning laws currently in effect in weighing whether such investments were prudent. Likewise, the current owner occupied residents had this information available to them in deciding whether they wished to invest in their property. So one must ask what change in conditions has occurred that would justify the city to tip the scales by restricting the most economically advantageous use of private property of some of its citizens for the perceived benefit to others who were on equal footing at the time of this investment.

I am anecdotally unaware of any recent problems in the affected area that can be directly linked to the current zoning regime. I do not believe that Fremont Street is plagued with petty nuisances, i.e., noise violations, parking violations, underage drinking, etc., notwithstanding the current zoning regulations nor am I aware of any devaluation of properties in the affected area caused by current usage.

In my opinion, before the city restricts private property owners legitimate use of their property, there should be evidence that the current use is unfairly having a negative impact on the value of the neighboring properties rather than acting in a preemptive and prejudicial manner in favor of some property owners and to the detriment of others based upon a perceived yet unrealized fear.

In this current political climate favoring smaller, less intrusive, pro-business government, the restrictions of private property use in this proposal seems more in tune with Madison politics than the traditional conservative values held by most citizens outside the "Belt Way". A more conservative approach to this "problem" would be simply to rely on enforcement of our currently existing ordinances to adequately provide for "quiet enjoyment" of property by the least intrusive means necessary, thereby allowing for the greatest freedom to all parties affected.

CBP PROPERTIES, LLC



By C. BENNETT PENWELL  
CBP/alt



AXLEY BRYNELSON, LLP



Charles V. "Buck" Sweeney  
 (608) 283-6743  
 csweeney@axley.com

September 12, 2013

**SENT VIA E-MAIL**

Patrick Singer  
 City Council President  
 PO Box 178  
 Whitewater, WI 53190

Latisha Birkeland  
 Manager and City Planner  
 312 W. Whitewater Street  
 Whitewater, WI 53190

Wallace McDonell  
 Harrison, Williams,  
 McDonell, Swatek  
 PO Box 59  
 Whitewater, WI 53190-0059

Re: Plan Commission Concerning Overlay Residential District for Fremont Street

All:

We represent J&M Development, LLC. We spoke against the Overlay District for Fremont Street due to several factors.

We also have concerns over the non-conforming use issues and how it would be enforced. As you know, non-conforming uses can run with the land unless they are discontinued for 12 months. We understand your ordinance is trying to make a record of non-conforming use issues by putting initials on a Notice to the City.

At the Public Hearing in front of the Plan Commission, there were comments made that people know there are more than three people residing at a location. These kinds of comments are without basis or fact. Some of the rental property owners were offended, and rightly so, regarding unjustified facts.

We also believe the Plan Commission over-relied on what they construed to be overwhelming evidence. Documents were submitted late, which are at best confusing. We would ask that the Zoning Department carefully go through the documents and petitions to make sure there is accurate information.

If there are 20 rental units, it is my understanding that most rental units were not for the Overlay District. We request that this issue be addressed.

Again, the Plan Commission stated there is overwhelming support for this. As I counted the "fors" and "againsts", I would construe the public comment to be mixed. Based on the percentage of single family vs. rentals, there was a greater percentage of rental people speaking against than the percentage of homeowners speaking for.

September 12, 2013

Page 2

Finally, we would like to point out that rental individuals bought these properties to rent to students. The Overlay District is taking away their rights. Furthermore, being 5 blocks from a university, one would think that property-owners would expect to have students in the area. Common sense allows that students want rent property close to the University.

We would appreciate if you would make this letter part of the record at the upcoming Common Council meeting. Thank you for your consideration.

Sincerely

AXLEY BRYNELSON, LLP



Charles V. "Buck" Sweehey  
CVS: crf

cc: Jay Myers  
Attorney Robert Procter

**HISTORIC STARIN PARK NEIGHBORHOOD ASSOCIATION**

**ZONING AND RENTAL REGISTRATION ORDINANCE:**

THE HOMES IN THE HISTORIC STARIN PARK NEIGHBORHOOD ARE ZONED R-1 OR R-2, PERMITTING UP TO 3 UNRELATED NON-FAMILY HOUSEHOLD MEMBERS IN ONE RESIDENCE THIS PETITION IS FOR INCLUDING FREMONT STREET IN THE R-0 OVERLAY WHICH MEANS ONLY 2 UNRELATED INDIVIDUALS IN A RESIDENCE.

ADDRESS	NAME	PHONE	EMAIL
1. 206 Fremont	JAROLYN MOORE	262-473-4472	MARCM63@att.net
2. 126 N Fremont St	Patty Wicks	920-723-4589 cell	
3. 130 N Fremont St	John E. Jack	920-472-0509	
4. 176 N Fremont	Don Colthoun	262-949-0884	ColthounDL@gmail.com
5. 232 N Fremont St	LAVI ZAWACKI	262/473-7735	
6. 246 N Fremont St	Alicia Stein - Jackson	262-473-8138	Jean Stone
7. 272 N. FREMONT ST	Ed D. Miller	262-473-2719	
8. 282 W. Fremont St	Ken Mech	262-473-4421	
9. 299 N. FREMONT ST	PAUL SLONA	262-423-6121	Katy53@charter.net
10. 253 N FREMONT	SARAH LINN	262-949-1408	SarahSLinn@mac.com
11. 145 W Fremont	Gary Klatt	262-473-4873	klattg@uww.edu
12. 221 N. Fremont	Susan Messer	262-473-4431	sumessere@gmail.com
13. 221 N. Fremont	Rick Hintze	262-473-4431	vrickhintze@gmail.com
14. 187 N. Fremont	Mary E. Green	262-473-2373	
15. 243 N. Fremont	Samantha Markham	262-473-2683	Countess@ip@ip@ip.com
16. 267 N. FREMONT	GARY HOFFMAN	473-3684	loffman201@stargate.net
17. 266 N. Fremont	Wesley Adams	262-949-0709	adamwul212@uic.edu
18. Gary Sassman 258	Fremont St.	262-473-8727	garysassman@charter.net
19. James M. Jones 247	N. Fremont St.	262-473-1005	jamesm@uww.edu
20. Pamela Daniels 216	N. Fremont St.	608-516-9006	trudpam@hotmail.com
21. Frank J. Jankin 216	N Fremont St	262-472-0292	frank@starkard.com
22. Angela Fisher 213	N Fremont St	920-650-2854	angfis1998@yahoo.com
23. William E. Smith 212	N. Fremont St	473-4547	
24. 233 N Fremont	Ann Blakeslee	920-723-6727	
25. 284 N Fremont	Tom Schmeckel	608-201-8862	
26. 156 N. FREMONT	Anne Coburn	920-723-4815	annecoburn@coburn.com
27. 161 N. FREMONT	John Seizer	262-473-3932	johnseizer@coburn.com
28. 166 N. Fremont	Debbie Bridman-Schwartz	920-723-3918	debra@networking.com
29. 182 N Fremont	James C. Sawyer	(262) 473-5305	
30. 142 N. Fremont	Raul Markham	262-473-3228	fremont@markham.com
2d. 205 N. Fremont	Burim Sadiku	262-472-9573	Burim Sadiku
273 N Fremont	Michael Kemp Lanielle Hudson	520-444-3597	makemp@gmail.com

30 Signatures

30 Signatures

3 not available

**ORDINANCE AMENDING CHAPTER 11.16.150 OF THE CITY OF  
WHITEWATER MUNICIPAL CODE ENTITLED “STREET INDEX OF  
PARKING RESTRICTIONS.**

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

SECTION 1: Chapter 11.16.150 entitled “Street Index of Parking Restrictions” shall be amended as follows:

The following is hereby *deleted* from the Street Index of Parking Restrictions:

First – S	West side; commencing at SW corner of Main and S First, thence 20 feet south and east side; commencing at the SE corner of Main and S. First, thence 20 feet south	11.16.031	Fifteen-minute parking
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SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

\_\_\_\_\_  
Cameron L. Clapper, City Manager

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

MEETING DATE: 10/1/2013 ITEM: Class B Beer and Liquor License Requests

PRESENTER: City Attorney / Alcohol Licensing Committee Members

PREVIOUS ACTION, IF ANY: None at Council level. ALC meets 9/30 to review applications.

SUMMARY OF ITEM BEING PRESENTED:

The City currently has one available “Class B” beer and liquor license, which allows businesses to sell beer and liquor on premises, with authorization to sell limited amounts to be consumed off premises. License Quotas (maximum number of licenses for “Class B” Beer and Liquor only) were set using a formula based on the number of licenses issued in 1997 when the Reserve Liquor License regulations went into effect. Municipalities may increase the quota for Class B Beer and Liquor licenses when their population increases by 500. In 2012, the City was able to increase their quota by two.

Whitewater has three applicants for the one remaining license:

*(Listed in the order liquor license applications were received by the Clerk – note: conditional use applications were received in a different order):*

\***Day n Nite Café**, 162 W. Main Street – established restaurant that has not had any sort of beer or liquor license in the past;

\***Blackthorne Scribe LLC** – an Irish Pub to be developed at 108 W. Main Street;

\***Tyler Sailsbery d/b/a Casual Joe’s 2** – a to-be-developed restaurant that would be located in the former Fort Body Shop on James Street (pending rezoning approval).

Although the City does have only one liquor license available, we do have the ability to provide beer and wine licenses as there is no limitation on the number of this type of license.

The Alcohol Licensing Committee is scheduled to meet on Monday evening, September 30<sup>th</sup>, to listen to each applicant and hopefully to make a recommendation to the Common Council.

BUDGET IMPACT, IF ANY: None. (CDA will be hearing requests for a \$10,000 grant from each of the applicants. Since the outstanding license is considered a “reserve” license, there is an additional \$10,000 fee attached to the cost of the license per State Statutes.

**BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY:**

To be determined at Alcohol Licensing Committee meeting scheduled for Monday, 9/30.

**STAFF RECOMMENDATION:** No recommendation.

**RECOMMENDED MOTION:** TBD after Alcohol Licensing Committee meeting.

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

Ch. 5.20.027 of Municipal Code “Licensing standards for considering new alcohol license applications and portion of Ch. 5.20.032 relating to “Cancellation for nonuse” of alcohol license. (refers to use of alcohol license within period after approved).

**FOR MORE INFORMATION CONTACT:**

Michele Smith (262) 473-0102 or Wallace McDonell (262) 473-7900

**MEMORANDUM**

TO: Michele Smith, City Clerk

FROM: Lisa K. Otterbacher, Chief of Police

DATE: August 28, 2013

REF: ALCOHOL BEVERAGE LICENSE APPLICATION  
Blackthorne Scribe  
108 E. Main St.  
Agent: Patrick E. Monahan

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Effective August 28, 2013, the following information is being supplied on an official basis concerning the license application of the above named party. Only that information which would bear upon this application is recorded. Traffic Violations are excluded.

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

04/16/1975 Disorderly Conduct - Prowling - 06/04/1975 Guilty, fined \$29.00

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

LKO/kb

**ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION**

Submit to municipal clerk.

For the license period beginning tbd 20  
ending \_\_\_\_\_ 20

TO THE GOVERNING BODY of the:  Town of }  
 Village of } Whitewater  
 City of }

County of Walworth Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  
 CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Blackthorne Scube LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name	Home Address	Post Office & Zip Code
President/Member	<u>President/Member</u>	<u>Patrick Monahan</u>	<u>N 7660 Ridge rd, Whitewater</u>	<u>53190</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent		<u>Patrick Monahan</u>		
Directors/Managers				

3. Trade Name the Blackthorne Scube Business Phone Number \_\_\_\_\_

4. Address of Premises 108 E. Main Street Post Office & Zip Code 53190

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No

6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No

7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No

8. (a) Corporate/limited liability company applicants only: Insert state Wis and date 4/13/12 of registration.

(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No

(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages, and records. (Alcohol beverages may be sold and stored only on the premises described.) please see attached

10. Legal description (omit if street address is given above): \_\_\_\_\_

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No

(b) If yes, under what name was license issued? \_\_\_\_\_

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No

13. Does the applicant understand a Wisconsin Sealer's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776]  Yes  No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs?  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

**SUBSCRIBED AND SWORN TO BEFORE ME**

this 31st day of August, 2013

Mark Klein  
(Clerk/Notary Public)

[Signature]  
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company/Partner)

My commission expires is permanent

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

**MEMORANDUM**

TO: Michele Smith, City Clerk

FROM: Lisa K. Otterbacher, Chief of Police

DATE: August 30, 2013

REF: ALCOHOL BEVERAGE LICENSE APPLICATION  
Day N Night Cafe  
162 West Main Street  
Agent: Burim Vedziovski

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Effective August 30, 2013, the following information is being supplied on an official basis concerning the license application of the above named party. Only that information which would bear upon this application is recorded. Traffic Violations are excluded.

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

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

LKO/cas

ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning Sep 1 20 2013; ending Sep 1 20

Applicant's Wisconsin Seller's Permit Number: 456102702201203
Federal Employer Identification Number (FEIN): 264780274
LICENSE REQUESTED
TYPE FEE
Class A beer \$
Class B beer \$
Wholesale beer \$
Class C wine \$
Class A liquor \$
Class B liquor \$
Reserve Class B liquor \$
Publication fee \$
TOTAL FEE \$

TO THE GOVERNING BODY of the: } Whitewater
Town of
Village of
City of

County of Wauwatosa Aldermanic Dist. No. (if required by ordinance)

- 1. The named [ ] INDIVIDUAL [ ] PARTNERSHIP [ ] LIMITED LIABILITY COMPANY [X] CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

- 2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Day & Nite Inc

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title Name Home Address Post Office & Zip Code
President/Member Semavi Vedzinski 1200 Navaho crt 53538
Vice President/Member
Secretary/Member
Treasurer/Member
Agent

Directors/Managers
3. Trade Name Day & Nite Cafe Business Phone Number 262.472.0147
4. Address of Premises 162 W. main street Post Office & Zip Code 53190

- 5. Is individual, partner's or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? [ ] Yes [X] No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? [ ] Yes [X] No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? [ ] Yes [X] No
8. (a) Corporate/limited liability company applicants only: Insert state and date of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? [ ] Yes [X] No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? [ ] Yes [X] No

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 162 W main st white water WI 53890

- 10. Legal description (omit if street address is given above):
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? [ ] Yes [X] No
(b) If yes, under what name was license issued?
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] [X] Yes [ ] No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776] [X] Yes [ ] No
14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor? [ ] Yes [X] No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME
this 7th day of August, 2013

James Wegner
(Clerk/Notary Public)

My commission expires 3-21-17

Paul [Signature] 8/7/13
(Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)

(Officer of Corporation/Member/Manager of Limited Liability Company /Partner)

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Table with 4 columns: Date received and filed with municipal clerk, Date reported to council/board, Date provisional license issued, Signature of Clerk / Deputy Clerk; Date license granted, Date license issued, License number issued.

**ORIGINAL ALCOHOL BEVERAGE LICENSE APPLICATION**

Submit to municipal clerk.

For the license period beginning \_\_\_\_\_ 20\_\_\_\_ ;  
ending \_\_\_\_\_ 20\_\_\_\_

TO THE GOVERNING BODY of the:   
 Town of   
 Village of } Whitewater   
 City of

County of \_\_\_\_\_ Aldermanic Dist. No. \_\_\_\_\_ (if required by ordinance)

Applicant's Wisconsin Seller's Permit Number: _____	
Federal Employer Identification Number (FEIN): _____	
LICENSE REQUESTED ▶	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Wholesale beer	\$
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input checked="" type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
Publication fee	\$
<b>TOTAL FEE</b>	\$

1. The named  INDIVIDUAL  PARTNERSHIP  LIMITED LIABILITY COMPANY  CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ Sailsbery Tyler R / Casual Joe's Whitewater LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title	Name	Home Address	Post Office & Zip Code
President/Member <u>Owner</u>	<u>Tyler Sailsbery</u>	<u>141 W. Whitewater Street A</u>	<u>53190</u>
Vice President/Member <u>e</u>			
Secretary/Member <u>e</u>			
Treasurer/Member <u>e</u>			
Agent ▶ <u>Tyler Sailsbery</u>	<u>same as above</u>		
Directors/Managers <u>e</u>			

3. Trade Name ▶ Casual Joe's, Whitewater Business Phone Number \_\_\_\_\_  
 4. Address of Premises ▶ 319 James Post Office & Zip Code ▶ Whitewater

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period?  Yes  No computer
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant?  Yes  No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business?  Yes  No
8. (a) Corporate/limited liability company applicants only: Insert state Wisconsin and date Sept 13th 2013 of registration.  Yes  No  
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company?  Yes  No  
 (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin?  Yes  No

(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 319 James Street Entire location including outdoor cafe
10. Legal description (omit if street address is given above): W west side of bldg. to James St. (S-walk)
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year?  Yes  No cafe  
 (b) If yes, under what name was license issued?
12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864]  Yes  No
13. Does the applicant understand a Wisconsin Seller's Permit must be applied for and issued in the same name as that shown in Section 2, above? [phone (608) 266-2776]  Yes  No
14. Is the applicant indebted to any wholesaler beyond 15 days for beer or 30 days for liquor?  Yes  No

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

**SUBSCRIBED AND SWORN TO BEFORE ME**  
 this 13th day of September, 2013  
Michele Amato  
 (Clerk/Notary Public)

Tyler Sailsbery  
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner/Individual)  
 \_\_\_\_\_  
 (Officer of Corporation/Member/Manager of Limited Liability Company /Partner)  
 \_\_\_\_\_  
 (Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

My commission expires \_\_\_\_\_

TO BE COMPLETED BY CLERK			
Date received and filed with municipal clerk	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license.

(d) The committee's findings of fact, conclusions of law and recommendation shall be presented to the council and the council pursuant to Chapter 125 of the Wisconsin Statutes shall determine what action if any the city council should take with respect to the license. (Ord. 1311 §1, 1995).

5.20.027 Licensing standards for considering new alcohol license applications.

A. Alcohol License Review Committee Review. All new (as opposed to renewal) applications for open "class A" sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and open "class B" sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the alcohol license review committee (at times hereafter referred to as the ALRC) before the application is acted upon by the common council. The ALRC shall recommend that the council grant, deny, or grant with conditions each license. The common council shall consider the recommendation of the ALRC when considering license applications. The term "open" in this subsection shall mean an application for a license that has not been issued for at least twenty-four hours, and therefore is an open and available license. This section is not intended to apply when a license holder surrenders a license pursuant to a contract to transfer the business associated with the license, and the same license is issued immediately to the purchasing party.

B. Staff input. The ALRC and the common council shall consider the below listed factors in reviewing and judging the adequacy of applications. Appropriate city staff shall review the application in the context of these factors and report to the committee. The city staff may include the city manager, the police department, the fire department, the community development authority, the city clerk's office, the city attorney's office, the neighborhood services director's office, the department of public works office, and any other staff as deemed necessary or desirable. It shall not be required that all of the foregoing

participate in any particular recommendation, rather it is the intent that the make-up of the staff involved be flexible to meet the needs of each particular situation.

C. Factors to be considered. The ALRC in making its recommendation, and the council in making its decision, shall consider the following factors:

1. Factors to be considered for reviewing new license applications:

a. Economic development considerations. The council finds that while all of the factors listed below are important considerations in licensing issuance decisions, economic development consideration should be a primary factor in the decision. In considering the economic development impact of an application, the ALRC and the council will favor license applications that support important additional desirable development, such as businesses that provide high quality employment opportunities, businesses that provide attractive entertainment opportunities, or establishments that feature high quality restaurants.

The council also finds that establishments whose primary purpose is to serve alcohol, and that do not support other important additional developments should be given low priority in the application process because the city has an excess supply of similar establishments and those establishments do not foster economic development. Also, such businesses' tend to cause more police enforcement related problems, and often detract from the immediate neighborhood and at times diminish the quality of life in the City of Whitewater.

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

b. Character of applicant, agent, managerial personnel, and owners.

c. Experience of applicant and manager in operating a licensed establishment.

d. History of applicant and manager in operation of licensed establishments.

e. History of premises.

f. Design, type, and size of the proposed establishment.

- g. Proximity to other licensed establishments.
- h. Proximity to residential buildings or areas.
- i. Ability of police department to ensure public safety at this location.
- j. Condition of building/premises.
- k. Compatibility of proposed use with the surrounding neighborhood.
- l. Zoning and land use considerations.
- m. Likely impact on property values.
- n. Any other relevant considerations.

D. Ranking applications. When deciding between applications, those applications which best meet the listed factors shall be judged as superior to other applications. If there are multiple applications pending for licenses, whether the licenses are available or not, the timing of the filing of the application shall not create any preference. If more than one license application is pending for any particular license, the alcohol licensing committee shall recommend which application, if any, in order of priority, should be granted.

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

5.20.031 Non-alcohol events--Underaged persons.

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

(1) The licensee or agent of a corporate licensee shall notify the police department at least seventy-two hours in advance of any date on which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the police department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the department in accordance with the provisions of this subsection. Regardless of date given, all notices

nesses that seek to earn income through the use of a license, but are unable to receive a license because of the limited number available to be issued by the city.

B. Cancellation for nonuse. Any "Class A" or "Class B" license granted under this chapter may be cancelled by the common council 1) if it is not used within sixty days after its initial issuance (this sixty-day nonuse provision applies only to initial license issuance and does not apply to license renewals); 2) if its usage is discontinued for a period of ninety consecutive days or more; 3) if the holder does not use the license for at least fifty days during the one-year period of the license term; 4) if the licensee does not open and use its license on the minimum days and hours it submits under subsection C three or more times during a license term.

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

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

D. Exceptions: In the event the grantee or holder of a "Class A" or "Class B" license issued under this chapter demonstrates to the satisfaction of the city council that, due to undue hardship or unusual circumstances beyond the grantee's or holder's control, the grantee or holder could not meet the minimum use requirements set forth herein

within the yearly term of the license, the license grantee or holder may request that the city council grant an exception to the requirements found in subsections B and C above. Exceptions which the city council may consider in not imposing the requirements of subsections B and C are the following:

- (1) Damage to the licensed premises rendering it temporarily unfit for safe operation under the license;
- (2) Closing for reasonable periods of time to alter, repair, remodel or redecorate the premises;
- (3) Certain factors of death, illness or contractual impossibility;
- (4) Any other unusual circumstances not under the control of the license grantee or holder.

E. Investigations and inspections to determine compliance with this section may be conducted by the City of Whitewater Police Department, or any city employee or official directed by the city manager to conduct an investigation or inspection to determine compliance. If a licensee is found to be in violation of the terms of this section, future inspections shall subject the licensee to the imposition of reinspection fees under Chapter 1.29. Violations of this section shall also subject a licensee to the imposition of the penalties set forth in Section 5.20.160.

F. Prior to cancellation: Prior to the cancellation of any license, the city shall notify the licensee in writing of the city's intention to cancel the license for nonuse and provide the licensee with an opportunity for a due process hearing. Such hearing shall be conducted by the alcohol license review committee generally under the procedures set forth in Whitewater Municipal Code 5.20.025. (Ord. 1106 §1, 1987). (Ord. No. 1720A, § 1, 3-3-2009)

5.20.040 License--Issuance restrictions.

A. Delinquent Taxes, Assessments, Etc.

(1) Premises. No initial or renewal alcohol beverage license shall be granted for any premises for which taxes, assessments or other claims of the city are delinquent and unpaid.

(2) Persons. No initial or renewal alcohol license shall be granted to any person:

(a) Delinquent in payment of any taxes, assessments or other claims owed to the city;



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **10/01/2013**

ITEM: **Agreement with Whitewater Fire Department**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

**SUMMARY OF ITEM BEING PRESENTED:**

**During his site visit this summer, the consultant performing the operational analysis of the Whitewater Fire Department recommended to the Task Force as well as to the City Manager directly that there was an immediate need to establish a formal agreement between the two entities.**

**As we enter our review of the budget for 2014, it would be appropriate to also enter an agreement with the Whitewater Fire Department that, at a minimum, clearly defines the current relationship and expectations between the two entities. The City Attorney is drafting an agreement for review which will be provided prior to the meeting on Tuesday.**

**A final agreement would be brought to the Council prior to the final approval of the 2014 Annual Budget.**

BUDGET IMPACT, IF ANY: **None.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **Staff requests input from the Council regarding expectations that should be outlined in the agreement.**

RECOMMENDED MOTION: **N/A**

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

**Draft Agreement (Forthcoming – not yet included)**

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262.473.0100.**



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **10/01/2013**

ITEM: **Reconsideration of Power Line Burial**

PRESENTER: **Councilmember Ken Kidd & City Manager**

PREVIOUS ACTION, IF ANY: **The Common Council voted to not proceed with the burial of power lines in the Downtown Eastgate project at the September 3 Common Council Meeting**

SUMMARY OF ITEM BEING PRESENTED:

**Councilmember Ken Kidd has requested that the Common Council reconsider the previous action to not move forward with the burial of power lines.**

BUDGET IMPACT, IF ANY: **The \$300,000 cost would be included in the borrowing anticipated in 2014. Baird estimates that the increase to debt service would be \$27,000 annually over a 20-year period at 3.5%. Using 2012 tax rates, the impact to residents would be about \$5.00 per \$100,000 of property value.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

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

**Former Packet Materials**

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262.473.0100.**

*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: 09/03/2013

ITEM: **Downtown East Gateway - Potential Burial of Overhead Utilities**PRESENTER: **City Manager**PREVIOUS ACTION, IF ANY: **None.**

## SUMMARY OF ITEM BEING PRESENTED:

**Engineering and design for the Downtown East Gateway project is on-going. As part of the presentation to the City Council on July 16, 2013, potential burial of the overhead utilities in this corridor was discussed. If burial of the utilities is desired, utility companies will need to be notified in the near future so they can complete their planning, design, and construction prior to the City's project.**

**To assist with the decision on utility burial, the following preliminary budgetary estimates were obtained from the various utility companies:**

<b>We Energies (Electrical):</b>	<b>\$224,518</b>
<b>Charter (Cable):</b>	<b>\$81,838</b>
<b>AT&amp;T (Phone):</b>	<b>\$7,950</b>
<b>Total:</b>	<b>\$314,306</b>

**If the overhead utilities are not buried, the utility companies are responsible for the costs of moving their facilities (poles, pedestals) that are in conflict with the City's improvements in the right-of-way. The utility companies typically discount the cost of utility burial by the cost of moving their facilities. Utility companies were contacted to determine what this amount would be for the Gateway project. The utility companies are not able to provide those costs until a final design is available. Based on discussions with the utility company representatives and results from previous projects, we estimate the discount to be about \$15,000. This would make the net cost of utility burial approximately \$300,000.**

**It should be noted that although burial of the overhead utilities will remove the majority of the overhead clutter in this corridor, some overhead facilities will remain. This includes a few drop poles on private property and overhead lines from the poles to individual buildings. The cost estimates do not include burial of service lines to individual buildings, which can be a significant cost.**

**BUDGET IMPACT, IF ANY: The \$300,000 cost would be included in the borrowing anticipated in 2014. Baird estimates that the increase to debt service would be \$27,000 annually over a 20-year period at 3.5%. Using 2012 tax rates, the impact to a resident with a \$200,000 home would be**

**BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: None**

**STAFF RECOMMENDATION: Staff is conducting further research on the benefits of buried utility lines. The City Manager will come with a recommendation on Tuesday.**

RECOMMENDED MOTION: **None**

C-3

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

WE Energies Estimate Letter

Streetscape Renderings

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, City Manager, 262.473.0100, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov).**



April 3, 2013

Mark A. Fischer  
Strand Associates, Inc.  
910 West Wingra Drive  
Madison, WI 53719

Subject: Preliminary estimate for facility relocations along E Main St and Milwaukee St, Whitewater

Dear Mark:

Thank you for requesting a preliminary estimate for electric facility relocation request at the location listed above.

Please review the following estimated cost information:

The **estimated** cost for overhead relocation is \$224,518

This amount is valid for 90 days from the date of this letter.

Additional charges will apply if installation is needed between Dec. 1 and March 31.

Additional charges may apply if we find unusual or unforeseen conditions during the relocation, or if another quote is requested within 12 months.

The preliminary estimate is prepared for your budgeting purposes; **this is not the final cost.**

Please Note: To avoid rewire costs to customers, this estimate assumes a few poles and a few service drops that will remain to serve customers.

This estimate is based on the information provided by Strand and Associates on January 9<sup>th</sup>, 2013. This amount is subject to change with any revisions to your project. If you decide to proceed with this project, a final design and cost will be prepared.

You also will want to note these terms and conditions:

**Other utilities:** There are additional telecom facilities attached to We Energies Poles. Costs associated with relocating other utilities' service are not included in this quote. You will need to notify and negotiate costs to relocate phone and cable facilities. We offer to work with both utilities to relocate their equipment. We must maintain their facilities on our poles until replacement service is provided. At that time, our poles are removed.

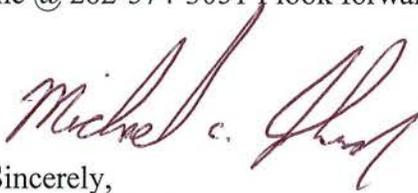
**Restoration:** After our construction activity is complete, we replace excavated soil and mound the affected area free of charge. Please review our surface restoration practices at [www.we-](http://www.we-energies.com)

energies.com/surfacere restoration to better understand what to expect. Any additional restoration charges are not included in this preliminary estimate.

**Permissions:** Right-of-way permission and easements must be obtained before the project begins.

**Construction:** Relocation typically takes between 8 and 12 weeks following the date the agreement is signed and payment is received. This timeframe can be longer depending on weather, crew availability and material lead times.

If you have any questions or would like to meet to discuss this estimate, please feel free to call me @ 262-574-3051 I look forward to working with you to make your project a success.

A handwritten signature in dark ink, appearing to read "Michael C. Johnson". The signature is fluid and cursive, with a large initial "M" and "J".

Sincerely,  
Michael C. Johnson  
Senior Service Manager

Work Request #3417856  
Enclosure

# Whitewater, Wisconsin Main Street and Wisconsin Street



## Whitewater, Wisconsin

# Main Street and Wisconsin Street



*City of Whitewater Council Agenda Item Information Sheet*

C-4

Meeting Date: October 1, 2013

**ITEM: Price proposal for Engineering Services related to Storm Water drainage issues in the City**

PRESENTER: Charles Nass, Superintendent Streets/Parks, City Forester

PREVIOUS ACTION AND SUMMARY: **Mark Fisher, Strands, has submitted the following price quotes for engineering services;**

**Related to the drainage problems in the Woodland Drive neighborhood on the west side of our City, for a price to include a letter report, conceptual designs and budget cost estimates for all recommended improvements to address the drainage issues on the west side. \$5,300.00**

**They are also recommending to update "Basin 15" stormwater Management area study; which was prepared by Strand and Associates in 2002 which covers local drainage issues recently identified by City Staff. Strand and Associates recommends an update of this study be considered to account for more accurate mapping now available as well as additional development that has occurred within the basin. The updated study will include current cost estimates and exhibits and the results will be summarized in a letter. \$3,500.00**

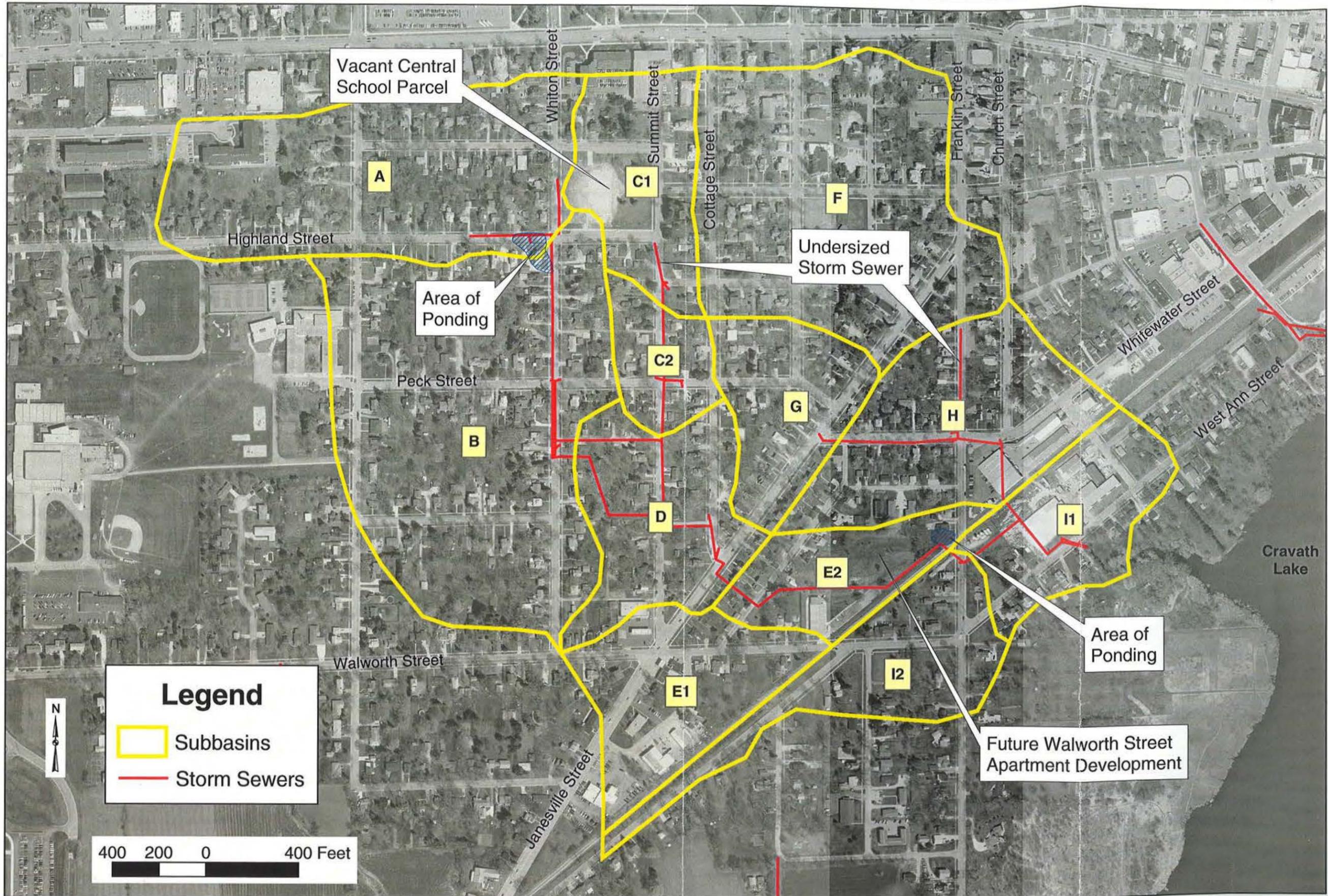
**For a total of: \$8,800.00**

BUDGET IMPACT, IF ANY: Funds for this study will come out of the Stormwater Utility Budget

STAFF RECOMMENDATION: **Staff recommends approval of the two studies to help with repairs for stormwater drainage issues that are within the City.**

ATTACHMENT(S) INCLUDED: Maps and reports

FOR MORE INFORMATION CONTACT: Charles Nass



City of Whitewater, Wisconsin  
 Basin 15 Stormwater Study  
 Subbasin Problem Area Location Map

Figure No. 1.02-1  
 1-407.004

Generally, it is desirable to have at least a 10-year design storm capacity in a municipal storm sewer system. The goal of the existing conditions analysis is to identify storm sewer pipe segments which do not have at least a 10-year capacity. These pipe segments are shown graphically on Figure 2.03-1 and are listed below:

- Pipe segments P-6 and P-7, both 30-inch diameter storm sewers, located immediately downstream (northeast) of Franklin Street are under capacity. While the 10-year storm HGL for these pipe segments does not exceed the ground elevation at this location, it is evident that these pipes act as a bottleneck and contribute to surcharging of the system at locations further upstream.
- Pipe segments P-26 and P-27, both 15-inch diameter storm sewers which drain subbasin G, located along Fremont Street are under a 10-year capacity.
- Pipe segment P-34, a 12-inch diameter storm sewer, and P-34, a 10-inch diameter storm sewer are both under capacity. These pipes are located along Summit Street and provide drainage for subbasin C1.
- Pipe segments P-18, P-31, and P-32, 15-inch diameter storm sewers located along Whiton Street and P-16, a 12-inch diameter storm sewer located along Highland Street are under capacity. These storm sewers primarily provide drainage for subbasin A and portions of subbasin B. It is important to note that the low point at Highland Street located approximately 100-feet west of Whiton Street has reported minor flooding during large storm events. Because this low point does not have a positive overland flood route via the street, runoff short circuits across the residential parcel located southwest of the intersection of Highland and Whiton Street. This flooding is likely due to a combination of insufficient pipe and inlet capacity. Based on inlet capacity calculations for this low point, the existing inlets can handle a maximum 2-year storm event.



August 26, 2013

Ms. Latisha Birkeland  
Neighborhood Services Manager  
City of Whitewater  
312 West Whitewater Street  
Whitewater, WI 53190

Re: Woodland Drive Drainage Study  
Proposal for Engineering Services

Dear Latisha,

We are pleased to submit this proposal for engineering services for the Woodland Drive Drainage Study.

It is our understanding the City is experiencing street and yard flooding near the low point of Woodland Drive, located approximately 100 feet north of Satinwood Lane. The existing storm sewer in an easement between Woodland Drive and the Mound Meadows subdivision to the west appears to be undersized for the approximate 30 acre drainage area it serves. In addition, there appears to be inadequate inlet capacity on Woodland Drive and Satinwood Lane.

A drainage study will be completed to determine how to address flooding in this area. The study will include the following tasks:

1. Calculations of peak stormwater runoff rates for various storm events.
2. Hydraulic modeling of various storm sewer sizes to determine size needed for various storm events.
3. Conduct limited topographic surveying of low point to assist with analysis.
4. Recommend improvements needed and illustrate on an exhibit.
5. Prepare an opinion of probable construction cost for the recommended improvements.
6. Prepare a letter report summarizing the results of the study.
7. Attend a City Council meeting to discuss the study.

The not-to-exceed cost for engineering services for the drainage study is \$5,300, including expenses. All services will be provided on an hourly rate basis. We anticipate completion of the study within 30 days of authorization to proceed.

We look forward to working with the City on this project. Please contact us if you have any questions regarding this proposal.

Sincerely,

STRAND ASSOCIATES, INC.®

A handwritten signature in black ink, appearing to read 'Mark A. Fisher'.

Mark A. Fisher, P.E.  
9901-972/MAF/tk



C-5

*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **October 1, 2013**

ITEM: **Capital Assistance Grant - \$54,000**

PRESENTER: **Finance Director**

PREVIOUS ACTION, IF ANY: **None**

SUMMARY OF ITEM BEING PRESENTED: **Grant application for replacement of the 2007 Star Van which has 126,000 miles on it. Vehicle is ADA accessible with a wheel chair lift. Estimated matching funds from the city is \$5,400. The match would come from the DPW Equipment Fund-215. Application due by October 15<sup>th</sup>. Grant application is 35 pages.**

BUDGET IMPACT, IF ANY: **None**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Approve grant application for 2014.**

ATTACHMENT(S) INCLUDED: **Title page plus pages 4 through 7 of the application.**

FOR MORE INFORMATION CONTACT:

**Doug Saubert, [dsaubert@whitewater-wi.gov](mailto:dsaubert@whitewater-wi.gov), 262.473.1380**



Doug Saubert  
Finance Director  
P.O. Box 690  
Whitewater, WI 53190  
Phone: 262-473-1380  
Fax: 262-473-0589

September 24, 2013

Wisconsin Department of Transportation  
Bureau of Transit, Local Roads, Railroads and Harbors, Rm. 951  
Attn: Section 5311 Program Manager  
P. O. Box 7913  
Madison, WI 53707-7913

Greetings:

The City of Whitewater hereby requests a capital grant of \$54,000 under Section 5311 of the Federal Transit Act, to assist in the financing of the capital equipment described below:

Medium bus, accessible, gas, replacement vehicle

Ownership of the equipment purchased with this grant will be entitled to City of Whitewater.

The applicant assures that the local share of funding for this project is available. We understand that the applicant is responsible for the local share, and has committed to contributing the local share by City Council resolution.

The applicant represents that the information submitted to the Wisconsin Department of Transportation as part of this application is true and correct.

If you need further information, please contact Doug Saubert who can be contacted at (262) 473-1380.

Sincerely,

Cameron Clapper  
City Manager



## C-5

### \*\*\* FOR VEHICLE REPLACEMENT/REHABILITATION PROJECTS ONLY \*\*\*

#### Part 3: Vehicle Fleet/State of Good Repair Information

- 1) Current vehicle fleet size: 4
- 2) Average vehicle age: 6 years
- 3) Average vehicle mileage: 142,700
- 4) Spare ratio: 1:4
- 5) Complete the following table (add rows if necessary)

Vehicles to be replaced:					
Vehicle Description*	QTY	Age	Condition	Year	Mileage
Ford Crown Vic	1	9	Fair	2004	232,210
Chevy 3500 passenger van	1	7	Fair	2006	191,525
Star Van	1	6	Fair	2007	126,050
Dodge Caravan	1	1	Good	2012	25,000

\*Vehicles of the same type may be grouped together in a single row.

- 6) If possible, please explain how this project will address a demonstrated and verifiable backlog of deferred maintenance.

For safety issues, this vehicle needs to be replaced.

- 7) Is the project consistent with the current vehicle fleet management plan? Explain.

Yes, at 150,000 miles each vehicle is inspected for replacement.

- 8) Will this project improve energy efficiency or reduce greenhouse gas emissions? Explain.

Yes, newer vehicles have better standards.

**ATTACHMENT "A"**  
**ITEMIZED EQUIPMENT LIST AND BUDGET**  
Regular 5311 Capital Request Spreadsheet

Attachment A is in Microsoft Excel format as an attachment to this application. It functions as a tool for the applicant to itemize desired capital purchases, estimate costs per capital unit, and calculate total local share.

Please note that the spreadsheets accommodates WisDOT's databasc, and all capital items are now named according to Federal standards. Each capital item also has an Activity Line Item (ALI) code that will automatically populate the spreadsheet once a capital item is selected. In order to enter a capital item, as noted on the spreadsheet, hit the "select" button and choose the item your system wants to procure.

**This itemized capital request for 2014 should match the list specified in Exhibit J of your 2014 operating assistance application.**

5311 Capital Project funding

Capital project funding is shared by the Federal government and the applicant. Section 5311 funds are the Federal share, while all remaining funds are considered the local share. The local share may be provided by unrestricted funds from other Federal programs or sources other than Federal funds. Grant year passenger revenues must be applied to operating expenses, and may *not* be used as part of the local share.

The Federal share (Section 5311) of the project costs shall not exceed 80%, except that the Federal share of vehicle-related equipment required by the Clean Air Act or the Americans with Disabilities Act of 1990 may be funded at 90% of the net project cost of such equipment. It is the responsibility of the applicant to provide for the local share, and to document the commitment of local share. No Section 5311 capital funds will be granted without local share. To request that your capital projects be funded with regular 5311 funding, fill out the Regular 5311 Capital Request, Spreadsheet A.



## EXHIBIT C - 2014 VEHICLE DESCRIPTIONS

The following list the types of vehicles which will be likely be available on the Wisconsin Department of Transportation's state vehicle contract. This list should be used by 5311 applicants when filling out their application for capital funding for CY 2014. Vehicles will be purchased with standardized specifications.

**The above vehicle descriptions are based on information available in late summer of 2013. Because of changes in available equipment, prices and the changing needs of recipients, the vehicles which will be bid on later in 2013 may differ from this list, and prices may also change. We will notify applicants of the finalized prices and selection of vehicles as soon as it is available.**

### Vehicles are currently available in the following types:

- Mini-Van – This is a five passenger minivan equipped with taxi package. It is not an accessible vehicle, and is primarily used by shared-ride taxi systems. It should not be the only vehicle in a fleet supported by state and federal transit funds.
- Mini-Van (Rear and Side Loading) - with lowered floor conversion and an access ramp, seating up to 4 ambulatory passengers and having 1 wheelchair position.
- Specialized Transit Vehicle – standard floor, side loading vehicle with access ramp, seating 3 ambulatory passengers and 1 to 2 wheelchair positions.
- Mini-bus, Non-accessible - narrow body mini-bus with entry door, seating approximately 12 ambulatory passengers [12/0]. Available with diesel or gas power. (Note: diesel may be available.)
- Mini-bus, Accessible - mini-bus with entry door and wheelchair lift, seating up to 7 ambulatory passengers, and having 1 wheelchair securement position. [7/1]. Available with dual wheels or single rear wheels and with conventional or fiberglass bodies. Available with diesel or gasoline power. (Note: diesel may be available.)
- Medium bus, Accessible - seating up to 10 ambulatory passengers with 2 wheelchair positions [10/2]. Ambulatory seating for up to 6 additional passengers is available on fold-away seats used when wheelchair securements are not in use. Available in conventional and fiberglass body construction with gas, diesel and hybrid power available. (Note: diesel may not be available.)



C-6

*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **10/01/2013**

ITEM: **Innovation Express Bus Service Report**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED:

**The City of Whitewater, together with the City of Milton, the City of Janesville, and Generac has contributed funding to the operation of the Innovation Express bus service in 2013. The documents included with this summary sheet provide a report as to the ridership and revenue for the service as of August 2013. The success of the service has been questioned due to the fact that the bus often appears empty when seen traveling through the City of Whitewater. The City contribution to the service for 2013 was \$10,000.**

BUDGET IMPACT, IF ANY: **\$10,000 in 2013.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

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

**Email from Dave Mumma including August 2013 Ridership**

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262.473.0100.**

2013	Ridership	Farebox Revenue	Pass Sales	Generac Pass Sales**		Totals
January	1,223	\$ 693.26	\$ 1,938.50	\$ 2,131.50	*	\$ 2,631.76
February	1,709	\$ 1,835.01	\$ 4,919.01	\$ 1,858.50	*	\$ 6,754.02
March	1,587	\$ 1,542.64	\$ 2,585.00	\$ 1,012.50		\$ 4,127.64
April	1,668	\$ 1,371.09	\$ 2,773.50	\$ 1,237.50		\$ 4,144.59
May	1,359	\$ 913.88	\$ 3,303.50	\$ 1,318.50		\$ 4,217.38
June	1,240	\$ 755.45	\$ 2,037.50	\$ 1,242.00		\$ 2,792.95
July	1,392	\$ 1,052.47	\$ 1,415.50	\$ 1,532.00		\$ 2,467.97
August	1,460	\$ 1,143.56	\$ 2,147.50	\$ 992.50		\$ 3,291.06
September						\$ -
October						\$ -
November						\$ -
December						\$ -
<b>TOTALS</b>	<b>11,638</b>	<b>\$ 9,307.36</b>	<b>\$ 21,120.01</b>	<b>\$ 11,325.00</b>		<b>\$ 30,427.37</b>

\*\* Note: listed for information only, this amount is included in Pass Sales column.

\*Note: January pass sales at Generac plant not included in pass sales total due to previous month billing error.  
February Generac actual sales totaled: \$1,858.50 - \$77 was owed to Generac due to billing error.

<b>2013</b>	<b>Janesville Terminal</b>	<b>Janesville Other</b>	<b>Milton Other</b>	<b>Milton Pig</b>	<b>Generac</b>	<b>UW-W Campus</b>	<b>Whitewater Other</b>	<b>Total</b>
January	287	358	6	101	434	31	6	1,223
February	480	300	42	161	588	111	28	1,709
March	522	257	36	159	475	111	27	1,587
April	466	425	39	137	468	102	31	1,668
May	324	346	30	174	357	89	39	1,359
June	348	257	58	126	382	20	49	1,240
July	450	285	61	122	395	38	41	1,392
August	443	272	130	133	391	39	52	1,460
September								0
October								0
November								0
December								0
<b>TOTALS</b>	<b>3,320</b>	<b>2,500</b>	<b>402</b>	<b>1,113</b>	<b>3,490</b>	<b>541</b>	<b>273</b>	<b>11,638</b>

\* Note: Generac offered 1 week of free rides for Generac employees Jan. 27-Feb. 2.

*August, 2013*                      **Janesville-Milton-Whitewater Innovation Express Comparison**

	Total Boarded	Janesville TC	Jvl	Milton Other	Milton Pig	Generac	UWW	Other WW	Other
2012	567	118	141	--	83 **	188	28	9	--
2013	1,460	443	272	130	133	391	39	52	--
Difference	157.5%	275.4%	92.9%	--	60.2%	108.0%	39.3%	477.8%	--

Total Passengers This Month =                      1,460  
 Total Passengers Last Year =                      567                      157.5%

\*\* prior to 2013 Milton riders not broken down

*City of Whitewater Council Agenda Item Information Sheet*

Meeting Date: October 1, 2013

**\*C-7**

**ITEM: Winter road salt quotes for 2013-2014 winter season**

**PRESENTER:** Charles Nass, Superintendent Streets/Parks, City Forester

**PREVIOUS ACTION AND SUMMARY:** I have received three quotes for road salt for the upcoming 2013/2014 winter season;

<b>Cargill Salt, North Olmsted, Ohio</b>	<b>\$64.25 per ton delivered</b>
<b>Morton Salt Inc., Chicago, ILL.</b>	<b>\$61.47 per ton delivered</b>
<b>North American Salt Co., Overland Park, KS</b>	<b>\$64.34 per ton delivered</b>
	<b>(with fuel surcharge added;</b>
	<b>City must take 80% of quoted tons)</b>

Last year the City paid \$61.47/ton delivered from Morton Salt

**BUDGET IMPACT, IF ANY:** There is money budgeted for winter road salt in Public Works Budget

**STAFF RECOMMENDATION:** I would recommend that the City purchase salt this year from Morton Salt Co, Chicago, ILL at the quoted price of \$61.47/ton delivered

**ATTACHMENT(S) INCLUDED:** None

**FOR MORE INFORMATION CONTACT:** Charles Nass



\*C-7

*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **October 1, 2013**

ITEM: **State Mass Transit Operating Assistance for 2014 Shared Ride Service**

PRESENTER: **Finance Director**

PREVIOUS ACTION, IF ANY: **None**

SUMMARY OF ITEM BEING PRESENTED: **Request for State and Federal Operating Assistance for 2014. The City has been applying for and receiving the operating grants for 27 years. The grant application includes 418 additional hours for 2014. The total hours requested in the application is 7,931. Grant application is 90 pages plus 62 for the 2014 RFP.**

BUDGET IMPACT, IF ANY: **Estimated net budget impact for 2014 is \$1,500.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **None**

STAFF RECOMMENDATION: **Allow City to submit the application for State and Federal Operating Assistance.**

RECOMMENDED MOTION: **Approve**

ATTACHMENT(S) INCLUDED: **Management Plan from the 2014 application.**

FOR MORE INFORMATION CONTACT:  
**Doug Saubert, dsaubert@whitewater-wi.gov, 262.473.1380**

CITY OF WHITEWATER  
MANAGEMENT PLAN

The 2014 Management Plan for the Whitewater Shared Ride Taxi Program with funding from the State of Wisconsin Department of Transportation is as follows:

- I. The operating authority is the 2014 amendment and the contract between the City of Whitewater and Provider, which is included as Exhibit K.
  
- II. The tariff schedule is as follows:
  - a. Regular Fare -- \$3.00
  - b. Elderly/Disabled Fare -- \$2.00
  - c. Student Fares -- \$2.25
  - d. Agency Fare -- \$4.00
  - e. Additional cost per mile outside of service area -- \$1.75
  - f. Package Delivery -- \$4.00
  - g. Wait Time -- \$0.20/minute after first 3 minutes

The tariff schedule is in effect during all operating hours.

- III. The level of service is expected to be consistent throughout the year according to the following schedule:

Monday-Wednesday (UWW Sessions) – 7:00 AM – 9:30 PM  
 Monday-Wednesday – 7:00 AM – 7:00 PM  
 Thursday – Friday (UWW Sessions) - 7:00 AM – 3:00 AM  
 Other Thursdays – 7:00 AM – 7:00 PM  
 Saturdays (UWW Sessions) – 7:00 AM – 3:00 AM  
 Other Fridays and Saturdays – 7:00 AM – 2:30 AM  
 Sundays – 7:00 AM – 4:00 PM

- IV. The procedure for establishing revenue passengers for the service year 2014 will be by actual count.

V. Service and Performance Goals

	2014	2015	2016	2017
Expense/Revenue Hour	\$28.92	\$29.75	\$30.50	\$31.25
Expense/Passenger	\$6.60	\$6.55	\$6.55	\$6.50
Revenue/Expense Ratio	0.42	0.43	0.44	0.45
Passengers/Revenue Hour	4.38	4.40	4.42	4.44
Passengers/Capita	2.38	2.38	2.38	2.38
Revenue Hours/Capita	0.54	0.54	0.54	0.54



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*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **10/01/2013**

ITEM: **Salary Amendment 5**

PRESENTER: **City Manager**

PREVIOUS ACTION, IF ANY: **None.**

SUMMARY OF ITEM BEING PRESENTED:

**Staff has interviewed three candidates for the position of Assistant to the City Manager. One candidate stood out as the top choice. Staff is prepared to confirm an offer with the candidate and is seeking direction and approval from the Council.**

**BUDGET IMPACT, IF ANY: The Public Works Director position has remained in the budget in spite of the position being vacant. Funds for the Assistant position will come from that account.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **N/A**

STAFF RECOMMENDATION: **N/A**

RECOMMENDED MOTION: **N/A**

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

**Proposed Resolution #5**

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262.473.0100.**

**CITY OF WHITEWATER  
2013 SALARY RESOLUTION  
AMENDMENT 5**

**WHEREAS**, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, sets forth the wage and salary schedule for employees for 2013, in which wages are established.

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2013 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes; and

**BE IT FURTHER RESOLVED** that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning October 1, 2013.

**SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

Pay Grade	# of Positions	Classification Titles	Pay Grade	# of Positions	Classification Titles
A*	3/4	Senior Coordinator (Part-time)	F	1	City Clerk
	2	Administrative Assistant II - Records Technician	G	1	Neighborhood Services Director
	1	Confidential Executive Assistant	H		
B*	1	Deputy Clerk	I	1	Chief Information Officer
	1	Accounting Technician II - Payroll & Accounts Payable		1	Water Superintendent
	1	Accounting Technician II - Utilities			
	1	Accounting Technician II - Utilities (Part-time)	J	1	Streets, Parks & Forestry Superintendent
	1	Administrative Assistant I - Neighborhood Services		1	Parks & Recreation Director
	1	Clerk of Courts		1	Wastewater Treatment Plant Superintendent
C	1	GIS Technician			
D	1	Finance Support Services Manager	K		-
	1	Support Services Manager	L	1	Finance Director
E	1	Community TV/Media Services Manager		1	Public Works Director
	1	Recreation & Community Events Programmer			

\*Non-Exempt Positions

**SCHEDULE II  
PROFESSIONAL AND TECHNICAL EMPLOYEE PAY PLAN**

<b>Pay Grade</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
A*	Hourly Wage 2080 Hours	15.08 31,364.94	15.54 32,331.31	16.21 33,717.84	16.90 35,146.38	17.56 36,532.91
B*	Hourly Wage 2080 Hours	16.16 33,612.80	16.90 35,146.38	17.62 36,658.96	18.36 38,192.54	19.09 39,705.12
C	Salary	36,522.18	38,181.49	39,841.05	41,502.08	43,161.64
D	Salary	39,442.25	41,235.65	43,026.55	44,819.69	46,614.60
E	Salary	43,287.74	45,254.95	47,221.88	49,190.33	51,158.51
F	Salary	46,671.27	48,792.53	50,912.80	53,035.56	55,155.58
G	Salary	50,054.56	52,330.39	54,604.97	56,878.05	59,153.89
H	Salary	53,438.08	55,865.75	58,295.90	60,722.06	63,153.70
I	Salary	56,820.38	59,403.59	61,985.33	64,567.55	67,150.77
J	Salary	60,202.41	62,938.71	65,676.49	68,411.54	71,149.09
K	Salary	63,587.20	66,476.54	69,367.42	72,255.53	75,146.38
L	Salary	66,969.48	70,013.16	73,058.34	76,101.03	79,147.21

\*Non-Exempt Positions

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

AYES:

NOES:

ABSENT:

ADOPTED:

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

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