

CITY OF WHITEWATER
COMMON COUNCIL AGENDA
Common Council Meeting

Tuesday, August 4, 2020 - 6:30 p.m.

**Due to Coronavirus Concerns, this will be a VIRTUAL MEETING. (not in person).
Citizens are welcome (and encouraged) to join us via computer, smart phone, or telephone.
Citizen participation is welcome during topic discussion periods.**

City of Whitewater is inviting you to a scheduled Zoom meeting.

Topic: Common Council Meeting

Time: Aug 4, 2020 06:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/97128744990?pwd=YVN6NUFCK3dqUU1Vak5jMS8razloUT09>

Meeting ID: 971 2874 4990

Passcode: 985735

One tap mobile

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+1 669 900 6833 US (San Jose)

877 853 5257 US Toll-free

888 475 4499 US Toll-free

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Meeting ID: 971 2874 4990

Passcode: 985735

Find your local number: <https://zoom.us/j/97128744990>

NOTE: All agenda items are subject to discussion and/or action.

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

CONSENT AGENDA:

CA-A	Approval of Council Minutes of 6/16/20; 6/30/20 and 7/21/20.	P. 1
CA-B	Acknowledgement of receipt and filing of the following: None.	n/a
CA-C	Expedited Approval of the Following Items, per City Staff Recommendation: None.	n/a

CITY MANAGER REPORT.

STAFF REPORTS: None.

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

RESOLUTIONS: None.

ORDINANCES – First Reading:

O-1	Amendment to Chapter 8.37 requiring face coverings during COVID-19 pandemic.	P. 60
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ORDINANCES – Second Reading: None.

CONSIDERATIONS:

C-1	Update on Lake draw down project and discussion and possible direction regarding project timeline. (Parks and Recreation Director Request).	P. 73
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C-2	Discussion and possible direction regarding proposed Racial Justice and Equality Initiatives, including consideration of a new Equal Opportunities Committee.	P. 95
C-3	Discussion regarding public meeting format, including in-person vs. virtual meetings.	P. 119
C-4	Discussion and possible direction regarding future vacancy of Councilmember Aldermanic District 5 seat.	P. 120
C-5	Councilmember Requests for Future Agenda Items and Requests for future POLCO questions.	n/a
C-6	Adjourn.	n/a

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

***Items denoted with asterisks will be approved on the Consent Agenda unless any council member requests that it be removed for individual discussion.**

**ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

June 16, 2020

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Lynn Binnie. The meeting was held virtually, due to coronavirus (Covid 19) concerns. MEMBERS PRESENT: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Singer and seconded by Allen to acknowledge receipt and filing of the following: Public Works Committee Minutes of May 12, 2020; CDA Minutes of 2/27/2020; Parks and Recreation Board minutes of 2/19/2020; and the Financial Reports for May, 2020. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

CITY MANAGER REPORT. City Manager Clapper welcomed new CDA Director, Cathy Anderson, who began her new position on 6/15/20. Cathy joins us from Granite Falls, Minnesota. Clapper indicated that on June 22 and 23 Walworth County will be testing for Covid at Elkhorn High School. Also announced was that Public Service Commission approval to move forward with water utility rate adjustments has been received. Council will review the increase at their July 21, 2020 council meeting. The Discover Whitewater Series Run scheduled for September 20, 2020 is still planned. Clapper also confirmed that the Dean Clinic in Whitewater has reopened. Clapper also reported that the carnival and one night of fireworks will occur on the 4th of July.

STAFF REPORTS: None.

CITIZEN COMMENTS: Resident Wade Tillett spoke on the issue of racial justice and the need for welcoming others to the community. He recited difficulties he and his African American children have experienced. Wade indicated that his family feels like outsiders and have not felt welcomed in the school in interactions with the Police, or in the community. Wade informed Council that at one point his daughter was told to “go back to Africa. Wade indicated that the problem was not rectified, so they switched their daughter’s school. Wade indicated that Martin Luther King Day is still not a celebrated holiday in Whitewater. He asked that the community welcome people of color, address concerns, and place people with the ability to reflect in leadership positions. Please consider how Whitewater can be welcoming. Wade asks for support for African Americans, but also asks that the community consider being a sanctuary city for the Latino populations. He encourages taking the first of many steps.

RESOLUTION AWARING THE SALE OF \$5,195,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2020A. Finance Director Steve Hatton indicated that the City adopted an initial authorizing resolution on May 5. That Resolution authorized borrowing for 2019-2020 capital improvement program projects. Greg Johnson of Ehlers shared the results of bidding. The primary purpose was to finance capital projects, as well as refinance some existing debt of the City, particularly a 2019 note and refunding a 2010 issuance. The balance is to be paid off later this year, using TIF funds. The competitive sale occurred earlier today. Six bids were received. Bankers Bank in Madison, in partnership with First Citizens State Bank in Whitewater, provided the most lucrative bid.. True interest is at 1.6699%. The principal and interest came in \$549,645 less than the pre-sale figure estimated to Council in April, so interest rates were more favorable than projected. The \$5,195,000 bond issue was downsized. Johnson noted that the same projects were financed, they just had to issue fewer bonds to accomplish that objective. It was noted that a change was made in the City’s rating agency; they went to Standard and Poors. See Exhibit A for Award Resolution.

Resolution introduced by Councilmember Allen who moved its adoption. Seconded by Councilmember Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION RATIFYING CITY MANAGER'S DECLARATION OF EMERGENCY OF MARCH 18, 2020 (COVID PANDEMIC). The proposed resolution ratifies a declaration of emergency that was submitted to the State. There may be an opportunity for reimbursement. Since the March 18 initial adoption, and because situation has extended beyond normal emergency deadlines, a ratification has been requested.

RESOLUTION RATIFYING CITY MANAGER'S 3-18-20 DECLARATION OF EMERGENCY

WHEREAS, on 3-18-20 City Manager Cameron Clapper declared an emergency in the City of Whitewater due to the Covid-19 pandemic.

WHEREAS, it is appropriate for the City Council to ratify said declaration.

Now, therefore, **BE IT RESOLVED** as follows:

- (1) The City Council of the City of Whitewater hereby ratifies the Declaration of Emergency concerning the Covid-19 pandemic issued by City Manager Cameron Clapper on 3-18-20.
- (2) This Declaration shall end on 12-31-2020 unless the City Council ends it or extends it before that date.

Resolution introduced by Council Member Singer, who moved its adoption. Seconded by Council Member McCormick. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

DELEGATING THE POWER TO TEMPORARILY CLOSE STREETS TO THE CITY MANAGER.

RESOLUTION DELEGATING TO THE CITY MANAGER THE POWER TO TEMPORARILY CLOSE STREETS

WHEREAS, the City Council has the power and authority to temporarily close streets for appropriate reasons and

WHEREAS, the City Council can delegate the authority to issue permits to close streets and

WHEREAS, due to current economic circumstances the Common Council believes that delegating the power to close streets to the City Manager would allow the City Manager to act quickly on requests to close streets for appropriate activities such as allowing restaurants to serve food in close street areas.

Now, therefore, **BE IT RESOLVED** as follows:

- (3) The City Council of the City of Whitewater hereby delegates the power to temporarily close streets for appropriate reasons to the City Manager.
- (4) This authority shall terminate on 12-31-2020 unless the City Council ends it or extends it before that date.

Resolution introduced by Council Member Singer, who moved its adoption.

Seconded by Council Member Allen. AYES: McCormick, Schulgit, Brown, Binnie, Palmer, Singer, Allen. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ADOPTION OF WASTEWATER TREATMENT PLANT COMPLIANCE MAINTENANCE ANNUAL REPORT (“CMAR”)

**City of Whitewater
Wisconsin Department of Natural Resources
Compliance Maintenance Annual Report Resolution No. 2020-0616-1
2019**

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater facilities under Wisconsin Administrative Code NR 208;

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the CMAR;

WHEREAS, it is necessary to provide recommendations or an action plan for all CMAR section grades of “C” or less and/or an overall grade point average <3.00;

BE IT RESOLVED, the city council in the City of Whitewater informs the Department of Natural Resources that the 2019 CMAR was reviewed and this resolution was voted on as follows: Adopted the 16th of June, 2020. Ayes: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. Noes: None. Absent: None.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE REPEALING CHAPTER 19.19. City Attorney McDonell indicated the R-2A ordinance was created about four years ago. Specifically, this district provides for a property owner to apply for a conditional use permit which would allow more than three unrelated residents to reside in a household. The City did limit that this could occur in the central area of the City. Over the years the Plan Commission reviewed numerous applications, and several times the overlay has been imposed as requested. As things continued, the market has changed and the rental market in Whitewater has softened according to numerous sources. As a result, there is not as much demand for rental housing, and in particular student rental housing. The City has been dealing with a shortage of single family affordable housing. Converting properties has taken affordable single family housing off the market. Also affecting the community is a decrease in UWW student enrollment. With all of these items combined, the Plan Commission has voiced concerns. Councilmember Binnie, who also serves on Plan Commission, requested that the repeal of the R-2A zoning be brought before the Council. A public hearing was held at the Plan Commission, where the proposal to repeal passed unanimously. Current rezones would remain in place under legal non-conforming use laws, and would continue to have the right for R-2A uses as previously designated. In October 2018 Plan Commission considered recommending a moratorium, which legal advice indicated was very complex.

Singer said the zoning was originally designed to target an area already market driven for rental properties. With declining University enrollment, the market and needs have changed. He noted that higher density around campus has been achieved.

**ORDINANCE NO. 2002 - FIRST READING OF AN ORDINANCE REPEALING CHAPTER
19.19
R-2A RESIDENTIAL INCREASED OCCUPANCY OVERLAY DISTRICT**

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

SECTION 1. Whitewater Municipal Code Chapter 19.19, R-2A Residential Increased Occupancy Overlay District, is hereby repealed.

SECTION 2. The official zoning map of the City of Whitewater is hereby amended to show the above action.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Singer, who moved its adoption. Seconded by Council Member Brown. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AMENDMENT TO CHAPTER 5.18, OUTDOOR PRIVATE PROPERTY CAFÉ PERMITS. The proposed amendment to Chapter 5.18 deals with outdoor private property café permits. The proposal moves responsibility to the Neighborhood Services Director. It was explained that there are outdoor café permits and sidewalk café permits. The proposed ordinance makes the process more business friendly. Councilmember Allen supported whatever can be done to relax the ordinance and create additional opportunities for business.

ORDINANCE NO. 2003 - AN ORDINANCE AMENDING THE OUTDOOR PRIVATE PROPERTY CAFÉ PERMIT

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

SECTION 1. Whitewater Municipal Code Chapter 5.18, Section 5.18.040 is hereby amended to read as follows:

5.18.040 - Permit application.

Application for a permit to operate an outdoor private property cafe shall be submitted to the City and shall include at least the following information:

- (1) Completed city application form.
- (2) Copy of a current certificate of commercial liability insurance in the amount of at least one hundred thousand dollars per occurrence. It is the sole responsibility of the applicant to renew the liability insurance yearly.
- (3) A general layout drawing which accurately depicts the dimensions of the existing premises site, the proposed location of the outdoor private property cafe, size and number of tables (including type), chairs (including type), steps, planters, and umbrellas, location of doorways, trees, light poles and any other obstructions, either existing or proposed, within the outdoor private property cafe area. The type of barrier proposed must also be specified, including height and material. This layout shall be submitted on eight-and-one-half-inch by eleven-inch paper, suitable for reproduction. If additional landscaping is proposed, a detailed landscape plan must be provided.

SECTION 2. Whitewater Municipal Code Chapter 5.18, Section 5.18.050 is hereby amended to read as follows:

5.18.050 - Permit fees.

There shall be no application fee for outdoor private property cafe permits.

SECTION 3. Whitewater Municipal Code Chapter 5.18, Section 5.18.060 (5) is hereby amended to read as follows:

5.18.060 (5) Plant tubs may be located in the outdoor private property cafe. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.

SECTION 4. Whitewater Municipal Code Chapter 5.18, Section 5.18.060 (9) is hereby amended to read as follows:

5.18.060 (9) No amplified entertainment shall be allowed in the outdoor private property cafe unless authorized by the City Manager or designee as part of a special event.

SECTION 5. Whitewater Municipal Code Chapter 5.18, Section 5.18.070 (a) is hereby amended to read as follows:

5.18.070 (a) A permittee may sell and serve alcohol beverages in an outdoor private property cafe only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the outdoor private property cafe area is listed on the alcohol beverage license application as being a part of the licensed premises.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Singer. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. FIRST READING APPROVED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

APPROVAL OF CONTRACT WITH AYRES FOR LAKE DREDGING PROJECT PROPOSAL.

City Manager Clapper indicated that we are now at a point where we have the opportunity to finalize specifications for what would be the dredging portion of the lake draw down process. Until those details are known, a final decision on dredging and determination of associated costs cannot be made. It was moved by McCormick and seconded by Schulgit to approve the agreement with Ayres Associates for the Lake dredging project proposal. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

MUNICIPAL BUILDING CLEANING CONTRACTS. City Manager Clapper indicated that at the end of 2019, quotes were sought from a number of cleaning companies. The process yielded no additional bidders, so the City entered into a month-to-month agreement with Diversified. The City was recently approached by Coverall Cleaning Company, and was provided with a new proposal. There were several performance issues with Diversified, and the City worked with Coverall to come up with a plan. It was moved by Allen and seconded by Schulgit to enter into a cleaning contract with Coverall Cleaning Service for an annual cost not to exceed \$109,932. . AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

DISCUSSION REGARDING CONTINUED VIRTUAL MEETINGS (VS. IN PERSON MEETINGS).

Councilmember Binnie requested discussion about the virtual meetings that have taken place during this pandemic. He noted that Council was holding their fifth virtual meeting. Inquiries have been made about returning to in-person meetings. Councilmember Binnie requested discussion regarding: 1) Rationale for continuing; and 2) if felt appropriate, any ways to make meeting more effective in terms of council and public participation.

Councilmember Singer indicated that caution should be exercised, as the number of Covid cases in other States increased as a result of going back to normal too early. Singer suggested continued review of the Covid numbers. All councilmembers felt that caution must be taken. Concerns about assembling in a room so early in the pandemic were discussed. The knowledge that some people are asymptomatic was discussed. Councilmember Allen offered some options if the meetings were to return to in-person. Allen expressed a desire to start in person on July 21. However, discussion turned to waiting until July to see what has direction the Covid case numbers take. It was noted that there are some limitations with the transmission at times. Most of the Council members indicated that if in person meetings were to begin again, they would choose to attend virtually. Discussion regarding the possibility of switching to a different platform was requested. Further discussion will occur on this subject.

AQUATIC CENTER REOPENING PLAN. The Parks and Recreation Board has been working on a plan to open the Whitewater Aquatic Center. The Parks Board will be meeting on June 17 to discuss further. Clapper noted that the School District hopes to keep the facility closed through the end of June.

RESOLUTION IN SUPPORT OF RACIAL JUSTICE AND STEPS TO BE TAKEN TO TOWARD ENSURING RACIAL JUSTICE THROUGHOUT CITY GOVERNMENT. The homicide of George Floyd has caused people of color, as well as their allies to call attention to racial injustice. Whitewater has had protests, which have all been peaceful. Groups are asking for reforms in Policing.

Resolution in Support of Racial Justice

WHEREAS, the Declaration of Independence provides in part that “all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness”; and,

WHEREAS, the 14th Amendment to the United States Constitution guarantees that no person within the jurisdiction of the United States shall be denied the equal protection of the laws of the United States; and,

WHEREAS, the City of Whitewater recognizes that these rights were originally intended for a selected category of the United States population but have evolved to include all citizens of the United States; and,

WHEREAS, it is the goal of the City of Whitewater to be a welcoming, affirming, and inclusive community; and,

WHEREAS, the City of Whitewater intends to provide efficient and high-quality services which support living, learning, playing, and working in an exceptional community; and,

WHEREAS, the City of Whitewater is strengthened by and thrives upon the rich diversity of its residents’ identities which include: racial, ethnic, cultural, gender, gender expression, persons who are differently-abled, and various sexual identities, all of which contribute to the vibrant character of our City; and,

WHEREAS, it is the intent of the City that no person be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his, her, or their civil rights or be discriminated against because of their actual or perceived characteristics of race, color, ethnicity, national origin, or any other identity; and,

WHEREAS, the City has demonstrated this intent by establishing an Equal Opportunities Commission, and by various actions of the Police Department, including: voluntary compliance with the extensive standards of the Wisconsin Law Enforcement Accreditation Group, being one of the first law enforcement agencies in the state to provide body cameras for officers, providing recent cultural sensitivity training sessions

for officers, and participating in recent community forums with representatives from the Latinx community as well as the UW-W Black Student Union; and,

WHEREAS, our nation's history is replete with shameful acts of injustices and discrimination towards people of color, beginning with slavery and continuing in various ways to today; and,

WHEREAS, over that history our nation's various communities of color and their allies have directed our attention to these failures, calling for equal justice and fair treatment; and,

WHEREAS, in recent days millions of our citizens nationally and hundreds of our own City's citizens have responded to recent tragic events of injustice, including loss of life, by protesting and calling for change; and,

WHEREAS, we recognize that in spite of our best intentions, we may be unaware of ways or instances in which our City's services fail to reflect our core values; and,

NOW, THEREFORE, WE, the Whitewater Common Council, do hereby resolve that the City of Whitewater, Wisconsin:

1. Reaffirms its commitment to equal and fair treatment and justice for all citizens and visitors, and states its strong opposition to systemic racism affecting people of color in this and every other community in the United States of America.
2. Encourages any individuals who believe that they have been mistreated or discriminated against in the course of any City services to file a complaint with the appropriate Department Director, the City Manager, a Common Council member, or the Equal Opportunities Commission.
3. Requires that any complaints be fully investigated with any appropriate corrective action being taken and, to the extent allowed by our Human Resource policies, the results being communicated to the complainant.
4. Commits to opportunities for dialogue and discussion between all interested parties with Common Council members and City leadership regarding concerns and suggestions pertaining to equal justice and fair treatment in any policies and practices of the City. Although it is recognized that racial justice issues may arise primarily in the Police Department and the Municipal Court, we do not wish to exclude discussion of issues related to any City services.
5. Commits to thorough evaluation of concerns, suggestions, and recommendations received, with timely action steps that may include adoption or revision of policies and procedures, personnel education, and evaluation of outcomes, and transparency in these actions.

6. Commits to reforms and culture change.

Resolution introduced by Councilmember Singer, who moved its adoption. Seconded by Councilmember Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ENSURING RACIAL JUSTICE THROUGHOUT CITY GOVERNMENT. A lengthy and productive discussion ensued regarding promotion of racial justice in our government and our community. It was noted that the Resolution is merely a starting point. Councilmember Brienne Brown was instrumental in its development. Experiences were shared. Resident Wade Tillett indicated that there is hatred directed at people of color and there definitely is racism in Whitewater. He is pleased to see commitment to change and he celebrates diversity. Disappointment was expressed about those participating in peaceful marches having some negative experiences. It was noted that Resolutions and proclamations are great, but people watch action. City Manager Clapper acknowledged his accountability. He indicated that the Equal Opportunity Commission ordinance will be updated. He noted that the City is understaffed by people of color. He will charge the committee with reviewing local policies. Diversity training will be made available for all employees, and it will occur regularly. Clapper indicated that his intent is to reach out to color in the community and invite them to be involved in committees and commissions. Resident Kim Simes was encouraged and indicated that there is no way to underestimate the power of representation. Resident Wade Tillett indicated he has experienced intimidation in situations with the Police, the Schools, and some community members. He looks to change policies across the Board. Resident Meredith McFadden indicated that many policies are getting into the worst case scenario management. She suspects that more reach out may not have that much of an effect, but encouraged positive relationships with community residents. Councilmember Singer asked that the policies be available to the City as a whole and be open and visible. Singer encouraged crisis intervention training.

LEASE AGREEMENT WITH WHITEWATER WIDEBAND, LLC. It was moved by Allen and seconded by Singer to enter into a five-year Lease Agreement with Whitewater Wideband, LLC. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 16, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RENEWAL OF BEER, ALCOHOL AND WINE LICENSES. It was moved by Singer and seconded by Allen to approve renewal of the following licenses for the 2020-2021 licensing year: CLASS A BEER: **Casey's Eastsider**, Casey's Marketing Company, Heidi Marcyes, Agent, 650 E. Milwaukee Street; **Whitewater Petroleum Company, a Wisconsin Corporation**, Ahmad Mobin, Agent, 804 W. Walworth Avenue.; CLASS A BEER AND LIQUOR: **Westside Liquor**, Casey's Marketing Company, Heidi Marcyes, Agent, 1353 W. Main Street; **Walgreen Co., Walgreens #12638**, Krystle L. Armentrout, Agent, 1041 W. Main Street; CLASS B BEER: **La Preferida**, Luis Islas-Martinez, 148 W. Main Street; **Rocky Rococo**, TRH Whitewater Restaurant Inc., Kenneth Dahnert, Agent, 1210 W. Main Street; CLASS B BEER, CLASS C WINE **Taco Fresco**, Garrett Witterholt, 175 W. Main Street; CLASS B BEER AND LIQUOR: **Casual Joe's BBQ LLC**, Michael Hudec, Agent, 319 W. James Street; **Coyote Grill**, Lil Debbies Coyote Grill LLC, Deb Mischka, Agent, 132 W. Center Street; **Fanatico**, SPAIU LLC, Bajram Spahijoski, Agent, 162 W. Main Street; **Fat Jack's**, WMED LLC, Mark Thomas Wokasch, Agent, 146 W. Main Street; **Hawk Bowling Lanes**, DLK Enterprises Inc., Kit Zoesch, Agent, 1390 W. Main Street; **Jessica's Restaurant**, LIPIS Inc., Urim Shabani, Agent, 140 W.

Main Street; **Las Chicas Mexican Restaurant LLC**, Karla Villarreal, Agent, 1170 W. Main Street; **Split Decision**, DLK Enterprises Inc., Kit Zoesch, Agent, 1398 W. Main Street. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

REQUESTS FOR FUTURE AGENDA ITEMS AND POLCO QUESTIONS.

ADJOURNMENT. It was moved by Singer and seconded by Allen to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk

RESOLUTION NO. _____

RESOLUTION AWARDING THE SALE OF \$5,195,000
GENERAL OBLIGATION CORPORATE PURPOSE BONDS,
SERIES 2020A

WHEREAS, on May 5, 2020, the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") adopted initial resolutions authorizing the issuance of general obligation bonds in the following amounts for the following purposes: \$200,000 for acquiring equipment for the fire department; \$335,000 for street improvement projects; \$980,000 for water system projects; and \$1,180,000 for sewerage projects, consisting of sanitary sewer and storm sewer projects (collectively, the above-referenced projects are referred to herein as the "Project" and the above-referenced initial resolutions are referred to herein as the "Project Initial Resolutions");

WHEREAS, on May 5, 2020, the City Council of the City also adopted an initial resolution authorizing the issuance of general obligation refunding bonds in an amount not to exceed \$2,725,000 (the "Refunding Initial Resolution");

WHEREAS, the obligations to be refunded are the Taxable General Obligation Corporate Purpose Bonds (Build America Bonds - Direct Payment), dated October 12, 2010 (the "2010 Bonds") and the General Obligation Promissory Note, dated July 23, 2019 (the "2019 Note") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Project Initial Resolutions, the City Clerk caused a notice to electors to be published in the Whitewater Register, stating the purpose and maximum principal amount of the bond issues authorized by the Project Initial Resolutions and describing the opportunity and procedure for submitting a petition requesting a referendum on any of the Project Initial Resolutions;

WHEREAS, no petition for referendum was filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on May 5, 2020, the City Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bond issues authorized by the Project Initial Resolutions and the Refunding Initial Resolution be combined, issued and sold as a single issue of bonds designated as "General Obligation Corporate Purpose Bonds, Series 2020A" (the "Bonds") for the purpose of paying the cost of the Project and the Refunding;

WHEREAS, the City Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service savings or to provide permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation bonds for such public purposes and to refinance its outstanding obligations;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds to pay the cost of the Project and the Refunding;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on June 16, 2020;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on June 16, 2020;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the City Council now deems it necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$5,195,000 for the following purposes and in the following amounts: \$195,000 for acquiring equipment for the fire department; \$330,000 for street improvement projects; \$970,000 for water system projects; \$1,170,000 for sewerage projects, consisting of sanitary sewer and storm sewer projects; and \$2,530,000 for refunding obligations of the City, including interest on them.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

Section 1. Ratification of the Notice of Sale and Offering Materials. The City Council hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Project and the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIVE MILLION ONE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$5,195,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The City Manager and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds, Series 2020A"; shall be issued in the aggregate principal amount of \$5,195,000; shall be dated July 8, 2020; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on June 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2021. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to pay and discharge the debts incurred by the City through the issuance of the Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to be issued to discharge the debts which were incurred first..

Section 3. Redemption Provisions. The Bonds maturing on June 1, 2028 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2027 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the

taxable property of the City a direct annual irrevocable tax in the years 2020 through 2039 for the payments due in the years 2021 through 2040 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Corporate Purpose Bonds, Series 2020A, dated July 8, 2020" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to

reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the City Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds and the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying

that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the City Manager and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the City Manager and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made

only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to Old National Bank at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The City Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial

information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the City Manager and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Redemption of the 2010 Bonds. The 2010 Bonds are hereby called for prior payment and redemption on September 1, 2020 at a price of par plus accrued interest to the date of redemption. Bond Proceeds will be used to refund \$410,000 of principal of the 2010 Bonds and the City will use other funds to refund the remaining portion of the 2010 Bonds.

The City hereby directs the City Clerk to work with Ehlers to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F-1 and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the 2010 Bonds are hereby ratified and approved.

Section 20. Redemption of the 2019 Note. The 2019 Note is hereby called for prior payment and redemption on July 10, 2020 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to take all actions necessary for the redemption of the 2019 Note on their redemption date. Any and all actions heretofore taken by the officers and agents of the City to effectuate such redemption are hereby ratified and approved.

Section 21. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 22. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 23. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the City Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 16, 2020.

Cameron L. Clapper
City Manager

ATTEST:

Michele R. Smith
City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

NOTICE OF SALE

\$5,420,000* GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2020A CITY OF WHITEWATER, WISCONSIN

Bids for the purchase of \$5,420,000* General Obligation Corporate Purpose Bonds, Series 2020A (the "Bonds") of the City of Whitewater, Wisconsin (the "City") will be received at the offices of Ehlers and Associates, Inc. ("Ehlers"), 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, municipal advisors to the City, until 11:00 A.M., Central Time, and **ELECTRONIC PROPOSALS** will be received via **PARITY**, in the manner described below, until 11:00 A.M. Central Time, on June 16, 2020, at which time they will be opened, read and tabulated. The bids will be presented to the City Council for consideration for award by resolution at a meeting to be held at 6:30 P.M., Central Time, on the same date. The bid offering to purchase the Bonds upon the terms specified herein and most favorable to the City will be accepted unless all bids are rejected.

PURPOSE

The Bonds are authorized by the City of Whitewater, Wisconsin (the "City"), pursuant to Section 67.04, Wisconsin Statutes, for the purposes of paying the cost of acquiring equipment for the fire department, street improvement projects, water system projects, sewerage projects consisting of sanitary sewer and storm sewer projects and current refunding certain outstanding general obligations of the City as more fully described herein. The Bonds are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Bonds as they become due which tax may, under current law, be levied without limitation as to rate or amount.

DATES AND MATURITIES

The Bonds will be dated July 8, 2020, will be issued as fully registered Bonds in the denomination of \$5,000 each, or any integral multiple thereof, and will mature on June 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2021	\$270,000	2028	\$230,000	2035	\$280,000
2022	330,000	2029	230,000	2036	285,000
2023	330,000	2030	245,000	2037	285,000
2024	340,000	2031	250,000	2038	300,000
2025	350,000	2032	250,000	2039	310,000
2026	230,000	2033	255,000	2040	155,000
2027	230,000	2034	265,000		

ADJUSTMENT OPTION

* The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

TERM BOND OPTION

Bids for the Bonds may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above. All dates are inclusive.

INTEREST PAYMENT DATES AND RATES

Interest will be payable on June 1 and December 1 of each year, commencing June 1, 2021, to the registered owners of the Bonds appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board. All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

BOOK-ENTRY-ONLY FORMAT

Unless otherwise specified by the purchaser, the Bonds will be designated in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Bonds, and will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of interests between its participants. The participants will be responsible for maintaining records regarding the beneficial interests of the individual purchasers of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, all payments of principal and interest will be made to the depository which, in turn, will be obligated to remit such payments to its participants for subsequent disbursement to the beneficial owners of the Bonds.

PAYING AGENT

The City has selected Bond Trust Services Corporation, Roseville, Minnesota, to act as paying agent (the "Paying Agent"). Bond Trust Services Corporation and Ehlers are affiliate companies. The City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

OPTIONAL REDEMPTION

At the option of the City, the Bonds maturing on or after June 1, 2028 shall be subject to optional redemption prior to maturity on June 1, 2027 or any date thereafter, at a price of par plus accrued interest.

Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be redeemed shall be at the discretion of the City. If only part of the Bonds having a common maturity date are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books.

DELIVERY

On or about July 8, 2020, the Bonds will be delivered without cost to the winning bidder at DTC. On the day of closing, the City will furnish to the winning bidder the opinion of bond counsel hereinafter described, an arbitrage certification, and certificates verifying that no litigation in any manner questioning the validity of the Bonds is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Bonds must be received by the City at its designated depository on the date of closing in immediately available funds.

LEGAL MATTERS

An opinion as to the validity of the Bonds and the exemption from federal taxation of the interest thereon will be furnished by Quarles & Brady LLP, Bond Counsel to the City, and will be available at the time of delivery of the Bonds. The legal opinion will be issued on the basis of existing law and will state that the Bonds are valid and binding general obligations of the City; provided that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding). (See "FORM OF LEGAL OPINION" found in Appendix B to the Preliminary Official Statement.)

Quarles & Brady LLP has also been retained by the City to serve as Disclosure Counsel to the City with respect to the Bonds. Although, as Disclosure Counsel to the City, Quarles & Brady LLP has assisted the City with certain disclosure matters, Quarles & Brady LLP has not undertaken to independently verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Bonds and assumes no responsibility whatsoever nor shall have any liability to any other party for the statements or information contained or incorporated by reference in this Official Statement. Further, Quarles & Brady LLP makes no representation as to the suitability of the Bonds for any investor.

SUBMISSION OF BIDS

Bids must not be for less than \$5,352,250 plus accrued interest on the principal sum of \$5,420,000 from date of original issue of the Bonds to date of delivery. Prior to the time established above for the opening of bids, interested parties may submit a bid as follows:

- 1) Electronically to bondsale@ehlers-inc.com; or
- 2) Electronically via **PARITY** in accordance with this Notice of Sale until 11:00 A.M. Central Time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in **PARITY** conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about **PARITY**, potential bidders may contact Ehlers or i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Telephone (212) 849-5021.

Bids must be submitted to Ehlers via one of the methods described above and must be received prior to the time established above for the opening of bids. Each bid must be unconditional except as to legality. Neither the City nor Ehlers shall be responsible for any failure to receive a facsimile submission.

A good faith deposit ("Deposit") in the amount of \$108,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith.

The City and the winning bidder who chooses to so wire the Deposit hereby agree irrevocably that Ehlers shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: 1) All income earned thereon shall be retained by the escrow holder as payment for its expenses; 2) If the bid is not accepted, Ehlers shall, at its expense, promptly return the Deposit amount to the winning bidder; 3) If the bid is accepted, the Deposit shall be returned to the winning bidder at the closing; 4) Ehlers shall bear all costs of maintaining the escrow account and returning the funds to the winning bidder; 5) Ehlers shall not be an insurer of the Deposit amount and shall have no liability hereunder except if it willfully fails to perform or recklessly disregards, its duties specified herein; and 6) FDIC insurance on deposits within the escrow account shall be limited to \$250,000 per bidder.

No bid can be withdrawn after the time set for receiving bids unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made.

AWARD

The Bonds will be awarded to the bidder offering the lowest interest rate to be determined on a True Interest Cost (TIC) basis. The City's computation of the interest rate of each bid, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Bonds will be awarded by lot. The City reserves the right to reject any and all bids and to waive any informality in any bid.

BOND INSURANCE

If the Bonds are qualified for any bond insurance policy, the purchase of such policy shall be at the sole option and expense of the winning bidder. Any cost for such insurance policy is to be paid by the winning bidder, except that, if the City requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any rating agency fees not requested by the City are the responsibility of the winning bidder.

Failure of the municipal bond insurer to issue the policy after the Bonds are awarded to the winning bidder shall not constitute cause for failure or refusal by the winning bidder to accept delivery of the Bonds.

CUSIP NUMBERS

The City will assume no obligation for the assignment or printing of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon, but will permit such numbers to be printed at the expense of the winning bidder, if the winning bidder waives any delay in delivery occasioned thereby.

QUALIFIED TAX-EXEMPT OBLIGATIONS

The City will designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

CONTINUING DISCLOSURE

In order to assist the Underwriters in complying with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 the City will enter into an undertaking for the benefit of the holders of the Bonds. A description of the details and terms of the undertaking is set forth in Appendix D of the Official Statement.

NEW ISSUE PRICING

The winning bidder will be required to provide, in a timely manner, certain information necessary to compute the yield on the Bonds pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and to provide a certificate which will be provided by Bond Counsel upon request.

(a) The winning bidder shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate satisfactory to Bond Counsel setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) The City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential investors;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in this bid.

(c) If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the winning bidder of such fact prior to the time of award of the sale of the Bonds to the winning bidder. In such event, any bid submitted will not be subject to cancellation or withdrawal and the City agrees to use the rule selected by the winning bidder on its bid form to determine the issue price for the Bonds. On its bid form, each bidder must select one of the following two rules for determining the issue price of the Bonds: (1) the first price at which 10% of a maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity or (2) the initial offering price to the public as of the sale date as the issue price of each maturity of the Bonds (the "hold-the-offering-price rule").

(d) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the hold-the-offering-price rule, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The winning bidder will advise the City promptly after the close of the fifth (5th) business day after the sale whether it has sold 10% of that maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The City acknowledges that in making the representation set forth above, the winning bidder will rely on:

(i) the agreement of each underwriter to comply with requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-price rule, if applicable to the Bonds, as set forth in an agreement among underwriters and the related pricing wires,

(ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires, and

(iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is party to such agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price rule of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule as applicable to the Bonds.

(e) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the 10% test, the winning bidder agrees to promptly report to the City, Bond Counsel and Ehlers the prices at which the Bonds have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to each maturity of the Bonds, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(f) By submitting a bid, each bidder confirms that:

(i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is party to such third-party distribution agreement, as applicable, to:

(A) report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred until either all securities of that maturity allocated to it have been sold or it is notified by the winning bidder that either the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

(B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group and each broker dealer that is a party to a third-party distribution

agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to:

(A) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and

(B) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) "sale date" means the date that the Bonds are awarded by the City to the winning bidder.

PRELIMINARY OFFICIAL STATEMENT

Bidders may obtain a copy of the Preliminary Official Statement relating to the Bonds prior to the bid opening by request from Ehlers at www.ehlers-inc.com by connecting to the Bond Sales link. The Syndicate Manager will be provided with an electronic copy of the Final Official Statement within seven business days of the bid acceptance. Up to 10 printed copies of the Final Official Statement will be provided upon request. Additional copies of the Final Official Statement will be available at a cost of \$10.00 per copy.

Information for bidders and bid forms may be obtained from Ehlers at 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, Telephone (651) 697-8500.

By Order of the City Council

Cameron Clapper, City Manager
City of Whitewater, Wisconsin

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

BID TABULATION

\$5,420,000* G.O. Corporate Purpose Bonds, Series 2020A

City of Whitewater, Wisconsin

SALE: June 16, 2020

AWARD: BANKERS' BANK

Rating: S&P Global Ratings "A+"

Tax Exempt - Bank Qualified

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
BANKERS' BANK Madison, Wisconsin	2021	2.000%	0.400%	\$5,580,785.75	\$934,157.21	1.6748%
First Citizens State Bank Whitewater, Wisconsin	2022	2.000%	0.500%			
	2023	2.000%	0.600%			
	2024	2.000%	0.650%			
	2025	2.000%	0.700%			
	2026	2.000%	0.850%			
	2027	2.000%	1.000%			
	2028	2.000%	1.100%			
	2029	2.000%	1.200%			
	2030	2.000%	1.300%			
	2031	2.000%	1.400%			
	2032	2.000%	1.500%			
	2033	2.000%	1.550%			
	2034	2.000%	1.600%			
	2035	2.000%	1.650%			
	2036	2.000%	1.750%			
	2037	2.000%	1.800%			
	2038	2.000%	1.900%			
	2039	2.000%	2.000%			
	2040	2.100%	2.100%			

* Subsequent to bid opening the issue size was decreased to \$5,195,000.

Adjusted Price - \$5,351,457.85

Adjusted Net Interest Cost - \$892,047.62

Adjusted TIC - 1.6699%

NAME OF BIDDER	MATURITY (June 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
NORTHLAND SECURITIES, INC. Minneapolis, Minnesota				\$5,720,519.35	\$947,463.98	1.6889%
PIPER SANDLER & CO. Minneapolis, Minnesota				\$5,598,452.80	\$953,743.06	1.7141%
D.A. DAVIDSON Denver, Colorado				\$5,621,289.15	\$968,631.96	1.7383%
BAIRD Milwaukee, Wisconsin				\$5,727,885.70	\$988,732.63	1.7681%
BOK FINANCIAL SECURITIES, INC. Milwaukee, Wisconsin				\$5,599,815.55	\$990,105.56	1.7817%

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

BID FORM

The City Council
City of Whitewater, Wisconsin

June 16, 2020

RE: **\$5,420,000* General Obligation Corporate Purpose Bonds, Series 2020A (the "Bonds")**
DATED: **July 8, 2020**

For all or none of the above Bonds, in accordance with the Notice of Sale and terms of the Global Book-Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement, we will pay you \$ 5,540,765.75 (not less than \$5,352,250) plus accrued interest to date of delivery for fully registered Bonds bearing interest rates and maturing in the stated years as follows:

<u>2.00</u>	% due	2021	<u>2.00</u>	% due	2028	<u>2.00</u>	% due	2035
	% due	2022		% due	2029		% due	2036
	% due	2023		% due	2030		% due	2037
	% due	2024		% due	2031		% due	2038
	% due	2025		% due	2032		% due	2039
	% due	2026		% due	2033		% due	2040
↓	% due	2027	↓	% due	2034	<u>2.10</u>	% due	

* The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

A good faith deposit ("Deposit") in the amount of \$108,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc., as escrow holder of the Deposit, pursuant to the Notice of Sale. This bid is for prompt acceptance and is conditional upon delivery of said Bonds to The Depository Trust Company, New York, New York, in accordance with the Notice of Sale. Delivery is anticipated to be on or about July 8, 2020.

This bid is subject to the City's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Bonds.

We have received and reviewed the Official Statement, and any addenda thereto, and have submitted our requests for additional information or corrections to the Final Official Statement. As Syndicate Manager, we agree to provide the City with the reoffering price of the Bonds within 24 hours of the bid acceptance.

This bid is a firm offer for the purchase of the Bonds identified in the Notice of Sale, on the terms set forth in this bid form and the Notice of Sale, and is not subject to any conditions, except as permitted by the Notice of Sale.

By submitting this bid, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds.
YES: NO:

If the competitive sale requirements are not met, we elect to use the (circle one): 10% test / hold-the-offering-price rule to determine the issue price of the Bonds.

Account Manager: Bankers' Bank By: Steven Schnering

Account Members: First Citizens State Bank

Award will be on a true interest cost basis. According to our computations (the correct computation being controlling in the award), the total dollar interest cost (including any discount or less any premium) computed from July 8, 2020 of the above bid is \$ 934,157.21 and the true interest cost (TIC) is 1.6748 %.

The foregoing offer is hereby accepted by and on behalf of the City Council of the City of Whitewater, Wisconsin, on June 16, 2020.

By: _____ By: _____
Title: _____ Title: _____

* Subsequent to bid opening the issue size was decreased to \$5,195,000.
Adjusted Price - \$5,351,457.85 Adjusted Net Interest Cost - \$892,047.62 Adjusted TIC - 1.6699%

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

City of Whitewater, Wisconsin

\$5,195,000 General Obligation Corporate Purpose Bonds, Series 2020A

Issue Summary

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	YTM	Call Date	Call Price	Dollar Price
06/01/2021	Serial Coupon	2.000%	0.400%	210,000.00	101.431%	-	-	-	213,005.10
06/01/2022	Serial Coupon	2.000%	0.500%	325,000.00	102.828%	-	-	-	334,191.00
06/01/2023	Serial Coupon	2.000%	0.600%	335,000.00	104.014%	-	-	-	348,446.90
06/01/2024	Serial Coupon	2.000%	0.650%	340,000.00	105.186%	-	-	-	357,632.40
06/01/2025	Serial Coupon	2.000%	0.700%	350,000.00	106.247%	-	-	-	371,864.50
06/01/2026	Serial Coupon	2.000%	0.850%	215,000.00	106.600%	-	-	-	229,190.00
06/01/2027	Serial Coupon	2.000%	1.000%	220,000.00	106.648%	-	-	-	234,625.60
06/01/2028	Serial Coupon	2.000%	1.100%	225,000.00	105.961%	c 1.206%	06/01/2027	100.000%	238,412.25
06/01/2029	Serial Coupon	2.000%	1.200%	230,000.00	105.279%	c 1.368%	06/01/2027	100.000%	242,141.70
06/01/2030	Serial Coupon	2.000%	1.300%	235,000.00	104.603%	c 1.498%	06/01/2027	100.000%	245,817.05
06/01/2031	Serial Coupon	2.000%	1.400%	240,000.00	103.931%	c 1.605%	06/01/2027	100.000%	249,434.40
06/01/2032	Serial Coupon	2.000%	1.500%	240,000.00	103.263%	c 1.696%	06/01/2027	100.000%	247,831.20
06/01/2033	Serial Coupon	2.000%	1.550%	245,000.00	102.932%	c 1.745%	06/01/2027	100.000%	252,183.40
06/01/2034	Serial Coupon	2.000%	1.600%	260,000.00	102.601%	c 1.788%	06/01/2027	100.000%	266,762.60
06/01/2035	Serial Coupon	2.000%	1.650%	265,000.00	102.272%	c 1.825%	06/01/2027	100.000%	271,020.80
06/01/2036	Serial Coupon	2.000%	1.750%	270,000.00	101.616%	c 1.882%	06/01/2027	100.000%	274,363.20
06/01/2037	Serial Coupon	2.000%	1.800%	275,000.00	101.291%	c 1.910%	06/01/2027	100.000%	278,550.25
06/01/2038	Serial Coupon	2.000%	1.900%	275,000.00	100.642%	c 1.957%	06/01/2027	100.000%	276,765.50
06/01/2039	Serial Coupon	2.000%	2.000%	285,000.00	100.000%	-	-	-	285,000.00
06/01/2040	Serial Coupon	2.100%	2.100%	155,000.00	100.000%	-	-	-	155,000.00
Total				\$5,195,000.00					\$5,372,237.85

Bid Information

Par Amount of Bonds	\$5,195,000.00
Reoffering Premium or (Discount)	177,237.85
Gross Production	\$5,372,237.85
Total Underwriter's Discount (0.400%)	\$(20,780.00)
Bid (103.012%)	5,351,457.85
Total Purchase Price	\$5,351,457.85
Bond Year Dollars	\$52,271.07
Average Life	10.062 Years
Average Coupon	2.0059002%
Net Interest Cost (NIC)	1.7065800%
True Interest Cost (TIC)	1.6699567%

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

City of Whitewater, Wisconsin

\$5,195,000 General Obligation Corporate Purpose Bonds, Series 2020A Issue Summary

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
07/08/2020	-	-	-	-	-
06/01/2021	210,000.00	2.000%	93,360.47	303,360.47	-
12/01/2021	-	-	49,927.50	49,927.50	-
12/31/2021	-	-	-	-	353,287.97
06/01/2022	325,000.00	2.000%	49,927.50	374,927.50	-
12/01/2022	-	-	46,677.50	46,677.50	-
12/31/2022	-	-	-	-	421,605.00
06/01/2023	335,000.00	2.000%	46,677.50	381,677.50	-
12/01/2023	-	-	43,327.50	43,327.50	-
12/31/2023	-	-	-	-	425,005.00
06/01/2024	340,000.00	2.000%	43,327.50	383,327.50	-
12/01/2024	-	-	39,927.50	39,927.50	-
12/31/2024	-	-	-	-	423,255.00
06/01/2025	350,000.00	2.000%	39,927.50	389,927.50	-
12/01/2025	-	-	36,427.50	36,427.50	-
12/31/2025	-	-	-	-	426,355.00
06/01/2026	215,000.00	2.000%	36,427.50	251,427.50	-
12/01/2026	-	-	34,277.50	34,277.50	-
12/31/2026	-	-	-	-	285,705.00
06/01/2027	220,000.00	2.000%	34,277.50	254,277.50	-
12/01/2027	-	-	32,077.50	32,077.50	-
12/31/2027	-	-	-	-	286,355.00
06/01/2028	225,000.00	2.000%	32,077.50	257,077.50	-
12/01/2028	-	-	29,827.50	29,827.50	-
12/31/2028	-	-	-	-	286,905.00
06/01/2029	230,000.00	2.000%	29,827.50	259,827.50	-
12/01/2029	-	-	27,527.50	27,527.50	-
12/31/2029	-	-	-	-	287,355.00
06/01/2030	235,000.00	2.000%	27,527.50	262,527.50	-
12/01/2030	-	-	25,177.50	25,177.50	-
12/31/2030	-	-	-	-	287,705.00
06/01/2031	240,000.00	2.000%	25,177.50	265,177.50	-
12/01/2031	-	-	22,777.50	22,777.50	-
12/31/2031	-	-	-	-	287,955.00
06/01/2032	240,000.00	2.000%	22,777.50	262,777.50	-
12/01/2032	-	-	20,377.50	20,377.50	-
12/31/2032	-	-	-	-	283,155.00
06/01/2033	245,000.00	2.000%	20,377.50	265,377.50	-
12/01/2033	-	-	17,927.50	17,927.50	-
12/31/2033	-	-	-	-	283,305.00
06/01/2034	260,000.00	2.000%	17,927.50	277,927.50	-
12/01/2034	-	-	15,327.50	15,327.50	-
12/31/2034	-	-	-	-	293,255.00
06/01/2035	265,000.00	2.000%	15,327.50	280,327.50	-
12/01/2035	-	-	12,677.50	12,677.50	-
12/31/2035	-	-	-	-	293,005.00
06/01/2036	270,000.00	2.000%	12,677.50	282,677.50	-
12/01/2036	-	-	9,977.50	9,977.50	-
12/31/2036	-	-	-	-	292,655.00
06/01/2037	275,000.00	2.000%	9,977.50	284,977.50	-
12/01/2037	-	-	7,227.50	7,227.50	-
12/31/2037	-	-	-	-	292,205.00
06/01/2038	275,000.00	2.000%	7,227.50	282,227.50	-
12/01/2038	-	-	4,477.50	4,477.50	-
12/31/2038	-	-	-	-	286,705.00
06/01/2039	285,000.00	2.000%	4,477.50	289,477.50	-
12/01/2039	-	-	1,627.50	1,627.50	-
12/31/2039	-	-	-	-	291,105.00
06/01/2040	155,000.00	2.100%	1,627.50	156,627.50	-
12/31/2040	-	-	-	-	156,627.50
Total	\$5,195,000.00	-	\$1,048,505.47	\$6,243,505.47	-

Yield Statistics

Bond Year Dollars	\$52,271.07
Average Life	10.062 Years
Average Coupon	2.0059002%
Net Interest Cost (NIC)	1.7065800%
True Interest Cost (TIC)	1.6699567%
Bond Yield for Arbitrage Purposes	1.5324413%
All Inclusive Cost (AIC)	1.7933437%

IRS Form 8038

Net Interest Cost	1.6241428%
Weighted Average Maturity	9.986 Years

2020A GO Corp Purp Bonds | Issue Summary | 6/16/2020 | 1:39 PM



EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
WALWORTH AND JEFFERSON COUNTIES
NO. R- _____ CITY OF WHITEWATER \$ _____
GENERAL OBLIGATION CORPORATE PURPOSE BOND, SERIES 2020A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
June 1, _____ July 8, 2020 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2021 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Bond Trust Services Corporation, Roseville, Minnesota (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,195,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the following public purposes: \$195,000 for acquiring equipment for the fire department; \$330,000 for street improvement projects; \$970,000 for water system projects; \$1,170,000 for sewerage projects, consisting of sanitary sewer and storm sewer projects; and \$2,530,000 for refunding obligations of the City, including interest on them, as authorized by

resolutions adopted on May 5, 2020 and June 16, 2020. Said resolutions are recorded in the official minutes of the City Council for said dates.

The Bonds maturing on June 1, 2028 and thereafter are subject to redemption prior to maturity, at the option of the City, on June 1, 2027 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the City Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of

notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

COPY

IN WITNESS WHEREOF, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified City Manager and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF WHITEWATER
WALWORTH AND JEFFERSON COUNTIES,
WISCONSIN

By: _____
Cameron L. Clapper
City Manager

(SEAL)

By: _____
Michele R. Smith
City Clerk

COPY

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolutions of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin.

BOND TRUST SERVICES
CORPORATION,
ROSEVILLE, MINNESOTA

By _____
Authorized Signatory

COPY

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

EXHIBIT F

NOTICE OF FULL CALL*

CITY OF WHITEWATER
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN
TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS (BUILD AMERICA
BONDS - DIRECT PAYMENT), DATED OCTOBER 12, 2010

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called for prior payment on September 1, 2020 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
09/01/2021	\$220,000	3.95%	966204LQ0
09/01/2022	225,000	4.00	966204LR8
09/01/2023	235,000	4.20	966204LS6
09/01/2024	240,000	4.35	966204LT4
09/01/2025	250,000	4.55	966204LU1
09/01/2027	295,000	5.00	966204LW7

Upon presentation and surrender of said Bonds to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Bonds, the registered owners thereof will be paid the principal amount of the Bonds plus accrued interest to the date of prepayment.

Said Bonds will cease to bear interest on September 1, 2020.

By Order of the
City Council
City of Whitewater
City Clerk

Dated _____

* To be provided to Associated Trust Company, National Association at least thirty-five (35) days prior to September 1, 2020. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to September 1, 2020 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.

**ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

June 30, 2020

The special meeting of the Common Council was called to order at 3:00 p.m. by Council President Lynn Binnie. The meeting was held virtually (not in person) due to the coronavirus. MEMBERS PRESENT: (Virtually): McCormick, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: Palmer.

It was moved by Allen and seconded by McCormick to authorize the Common Council to hold a meeting with less than 72 hours notice, as required by City of Whitewater transparency ordinance. AYES: McCormick, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: Palmer.

APPROVAL OF 2020-2021 Class “A”; “Class A”, Class “B” and “Class B” Beer and Liquor Licenses for 2020-2021. It was moved by Singer and seconded by Allen to approve the renewal licenses as follows: **Class “B” Beer**: **San Jose Mexican Store**, Jose Barajas, Agent; 148 W. Main Street; **Whitewater Cinemas**, Jacob Gildenmeister, Agent, 151 Pearson Lane; AND **“Class B Beer and Liquor”**: **Tokyo Restaurant**, En Zheng, Agent, 161 W. Main Street. AYES: McCormick, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: Palmer.

CONSIDERATION OF ONE-TIME REDUCTION OF ALCOHOL LICENSING FEES.

Binnie announced that some of the license holders had asked for a one-time consideration of reduction of fees due to loss of sales during the Covid “Safer at home” order. A number of municipalities have enacted a reduction. Class A licensees (selling packaged goods) were considered to have essential businesses, and were not required to close. Finance Director Hatton provided details regarding the fiscal impact of a reduction. He indicated that funding would have to come from the contingency budget. It was moved by Allen and seconded by Schulgit to give the “Class B” and Class C wine licensees a one-time reduction of 50% of their annual license fee. AYES: McCormick, Schulgit, Brown, Binnie, Singer, Allen. NOES: None. ABSENT: Palmer.

ADJOURNMENT. It was moved by Allen and seconded by Singer to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 3:35 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

**ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER,
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.**

July 21, 2020

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Binnie. (Meeting was held virtually due to coronavirus concerns). MEMBERS PRESENT: McCormick, Schulgit, Brown, Binnie, Palmer, Singer, Allen. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell

It was moved by Allen and seconded by Schulgit to approve the Council minutes of 6/2/20 and to acknowledge receipt and filing of the following: Financial Reports for June, 2020; Whitewater Police Department Report for 1st Quarter, 2020; Irvin L. Young Memorial Library Board Minutes of 5/18/20; and the Finance Committee Minutes of 5/26/20. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

STAFF REPORTS: New CDA Director Cathy Anderson indicated that she welcomes updating the Council on CDA activities on a regular basis. Cathy presented the projects she is working on and announced that the CDA is working with Jones Logistics of Mississippi for development in the Industrial Park. She is also working on a draft plan to discuss either closure of a TIF or keeping the TIF open, and using those funds for housing development. James Allen expressed appreciation for the amount of work Cathy has completed so far. Finance Director Hatton reported that the City has acquired an updated ride share vehicle. The City maintains three vehicles for the program, the oldest of which was a 2014 mini van. In 2019, the City was awarded a capital grant from Federal Transit. Those funds were used to replace an existing van. Delivery of the 2020 wheelchair-accessible van has occurred, and the vehicle is currently being outfitted before entering service.

HEARING OF CITIZEN COMMENTS. Will, Directory of UWW Intergovernmental Affairs, introduced himself to the Council. Resident Brandon Thomas was disappointed that the Racial Justice subject would not be discussed at this council meeting after all, and encouraged the Council to discuss this matter in the near future.

RESOLUTION ADOPTING AMENDMENT NO. 3 TO 2020 SALARY RESOLUTION.

The following changes were made to the 2020 Salary Resolution: 1. Typo Correction for Water Operator and Wastewater Operator: Top of Range for Wastewater Operator is \$29.20, the same as Water Operator. 2. Renamed and relocated Wastewater Lead Operator to: "Lead Operator" with the department being Wastewater. The Water Lead Operator is titled "Lead Operator" with the department being Water. 3. Renamed Foreman to Foreman (Lead) for DPW Streets/Parks/Forestry. This identifies all Lead positions with DPW as "Lead." 4. Organizational Planning: Positions within departments are being reviewed for efficiency and to ensure career path and succession planning aspects are considered. This proposed amendment incorporates changes to the following Utility: a. Lead Operator: Water: This position is being established to provide a career path for this essential role in the Water Utility Department as well as to support succession planning. It is consistent with the structure in Wastewater (Lead Operator: Wastewater) and Forman (Lead):

Streets/Parks/Forestry. No change to total staffing levels were proposed.

SEE EXHIBIT A FOR ENTIRE SALARY RESOLUTION

Resolution introduced by Councilmember Singer, who moved its adoption. Seconded by Councilmember Singer. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: July 21, 2020.

RESOLUTION DELEGATING CERTAIN FOOD AND ALCOHOL SERVICE RELATED REGULATORY AUTHORITY TO CITY STAFF.

City Manager Clapper introduced a Resolution that would authorize city staff to fast track applications for expansion of food and alcohol expansions. City Staff would be able to approve the applications internally and on a temporary basis, to assist these businesses during the Covid 19 pandemic.

RESOLUTION DELEGATING CERTAIN FOOD AND ALCOHOL SERVICE RELATED REGULATORY AUTHORITY TO CITY STAFF

WHEREAS, the Common Council finds that it is in the best interest of the City of Whitewater to pass a resolution that can remove delays and burdens associated with certain regulatory approvals and to implement temporary changes which may be necessary to temporarily enable food service establishments to increase outdoor seating and service, and

WHEREAS, the local State of Emergency declared by the Common Council pursuant to Wisconsin Statutes, Section 323.11, provides authority for the Common Council to order whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the City, including actions provided for in the below resolution,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Approval of Temporary Expansions and/or Changes of the Description of Alcohol Licensed Premises Areas for restaurant establishments, shall be delegated to City staff, including but not limited to, curbside delivery areas, outdoor seating areas, expanded sidewalk cafes, special events, parking lot uses, and other appropriate areas, provided the use of the area and the location of the expansion and/or change meets all other legal criteria. In addition, the

description of the Alcohol Licensed Premises included in any conditional use permit may be expanded and/or changed by staff.

2. City staff is delegated the authority to waive requirements and restrictions for existing and new sidewalk café permits (Chapter 5.19), parklet café permits (Chapter 5.16) and outdoor private property café permits (Chapter 5.18). This authority also allows City staff to approve service of food and alcohol in closed street areas.

3. The intent of this resolution is to allow for expanded dining areas for safely seated patrons at food service restaurants. It is not to allow for social gatherings for the purpose of alcohol consumption unrelated to dining.

4. The provisions in this resolution shall expire on November 30, 2020.

Resolution introduced by Councilmember Binie, who moved its adoption. Seconded by Councilmember Palmer. AYES: McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: July 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE CREATING CHAPTER 8.37 REQUIRING FACE COVERINGS DURING COVID 19 PANDEMIC.

Council President Binnie indicated that the City Manager had introduced a public letter on July 10, 2020, indicating that if voluntary mask wearing was not occurring, consideration of mandating precautions could occur. Since that letter was sent, not all businesses responded positively. It was noted that some businesses were not requiring their employees to wear masks, and that several national retailers have required masks in order to enter their business. With 1,117 new positive cases in Wisconsin today, and with Wisconsin recently having been added to New York's list of States residents are prohibited to travel to, the issue continues to become more serious. It was noted that some local businesses, including some restaurant businesses, have had to shut down temporarily due to cases among their staff. Binnie noted that the City had reached out to businesses to request a mask requirement to protect customers and staff members. Binnie noted that Wisconsin's precautions have been found to be the second lowest, second only to South Dakota. Binnie feels it is time to give consideration to a local facial mask ordinance.

It was mentioned that face masks reduce the amount of respiratory droplet sprays. Councilmember McCormick asked at Wal-Mart how the mask requirement was going. She was told that 90% of the customers were compliant, but a few had to be turned away. Wal-Mart indicated that all was handled well. McCormick went into the store and indicated it was a safer-feeling atmosphere with everyone wearing masks.

A huge amount of e-mails were received by the City and distributed to the Council. City Manager Clapper indicated that a need for safe behaviors is clear. He noted that

partnership with the University and School District is desirable. Both entities are reviewing what our community will look like at the end of August. UWW Chancellor Watson indicated that all faculty and students will be wearing masks, and that there is no way possible to open campus without the mandate.

City Attorney McDonell indicated that the proposed ordinance exempts a mask wearing requirement for those who are eating or drinking. However, staff members working in public are required to wear a mask.

Councilmember Allen indicated that he has four health risks. He indicated he had to travel to Connecticut two weeks ago, and the regulations were much different there. In restaurants, everyone wore a mask until food or drink was delivered. All restaurants had outside seating, possibly in tents, and kitchen workers were wearing masks as well. Allen expressed concern stating that if the covid case numbers do not begin reducing, the State will shut things down. Allen noted that in Connecticut, bars used plexiglass dividers, installing them completely across the bar. Allen noted that we will all have to make sacrifices if we are to remain open.

It was indicated that the ordinance does not govern outdoor activity. Allen expressed a desire to do everything possible to keep bars and restaurants operating. Councilmember Singer expressed concern over the ordinance not having an end date. Singer worries about bars based on the spikes that occurred around Madison. Singer would like the City and the bar owners to collaborate to deal with that issue.

Dr. Hefty, District Administrator for the Whitewater School District, requested that the schools be included in the definition. She prefers that the schools not be omitted from the Ordinance. Councilmember Allen expressed concern about exemptions in public or private gyms where social distancing is already taking place. It was agreed that Parks and Recreation Department input is important.

Councilmember Binnie brought up the fact that just because a group is together, they do not necessarily reside in the same household. Numerous citizens expressed opinions, both for and against masks. Arguments for requiring masks included personal responsibility, protecting health of others, and consideration of the health and well being of the community as a whole,

Arguments against the ordinance including the elimination of personal freedoms, dealing with the economic carnage of requiring masks, and ability to exercise wearing a mask. It was noted that the requirement is “stomping on our rights to pursue life as we want to.” Blake Scharine, a local business owner, disagrees with the attitude that “If UWW does it, Whitewater has to do it.” He questioned why the University is bringing back students, if there is a belief the Covid numbers will spike upon their return. He does not believe requiring students to wear masks will eliminate the house parties, etc. Local business owner Brad Ceranske is not convinced that masks are effective. Ceranske believes that the City will die without the University. Ceranske suggested placing a moratorium on the date.

In response to questions about enforcement of the ordinance, Police Chief Raap indicated it has not been discussed from a local level enforcement angle yet. He noted that there are no other Cities or Counties in the State using the Police Department to enforce this type of thing. Raap did indicate that the enforcement angle will be incredibly difficult.

Grace Crickette, Vice Chancellor of Administrative Affairs was pleased and relieved to see the proposed ordinance. Grace indicated that the Chancellor has put in place robust processes and procedures in place to keep students, faculty, staff and the community safe.

ORDINANCE NO. 2004A
AN ORDINANCE CREATING CHAPTER 8.37 REQUIRING FACE COVERINGS
DURING COVID-19 PANDEMIC

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

SECTION 1. Whitewater Municipal Code Chapter 8.37 is hereby created to read as follows:

Chapter 8.37 – FACE COVERING REQUIREMENTS DURING COVID-19 PANDEMIC

WHEREAS, COVID-19 cases have increased in Wisconsin, Walworth and Jefferson Counties and the City of Whitewater in recent weeks; and

WHEREAS, public spaces and businesses are open for in-person operations in the City of Whitewater, increasing the potential for further community spread of COVID-19; and

WHEREAS, COVID-19 is primarily spread via respiratory droplets when people are in close proximity with each other and people that are infected speak, sneeze, or cough and people can be infected and have no symptoms (asymptomatic) and are still able to transmit the virus; and

WHEREAS, according to the Centers for Disease Control (CDC), there is emerging evidence from clinical and laboratory studies that demonstrates face masks reduce the spray of respiratory droplets; and

WHEREAS, wearing a face mask is one of the most effective ways to reduce person to person transmission of COVID-19 and face masks serve as a barrier to prevent droplets from entering the air, which is known as source control and when combined with other preventive measures, including physical distancing and proper hygiene practices, wearing face masks is a simple and effective way to reduce the risk of COVID-19 transmission; and

WHEREAS, according to the Centers for Disease Control (CDC), the effectiveness of face coverings at reducing the spread of COVID-19 is highest when masks are widely used by people in public settings and in settings where physical distancing is difficult to maintain;

8.37.010 DEFINITIONS.

(a) **FACE COVERING.** A face covering is a non-mesh, intact, protective mask without holes or perforations, covering the nose and mouth including cloth face coverings and surgical masks.

(b) **BUILDING AREA OPEN TO THE PUBLIC.** An area in a public or privately-owned structure, including exterior parts of the building, such as a porch, exterior platform or steps providing means of ingress or egress that the public is invited or allowed to frequent.

An example of an area of a building open to the public would be the public reception lobby of a manufacturing building. That same building may have 200 employees working in areas not open to the public. Those 200 employees and others in that area of the building would not be required

to wear masks under this ordinance. Also, private residences and residential apartment buildings are not considered to be buildings open to the public under this ordinance.

8.37.020 – MASKS REQUIRED

(a) MASK REQUIRED INDOORS IN CERTAIN AREAS. Any person 5 years old or older who is present in the City of Whitewater shall wear a face covering whenever the person is in a building open to the public and is in an area of the building open to the public, or is a pedestrian picking up food, drink or goods inside or outside of the building or waiting in line to enter such an area.

(b) Masks shall be required for individuals who are attending the Tuesday Whitewater City Market and the Saturday Whitewater Farmers Market which are located in the area of the intersection of Fremont Street and Whitewater Street.

(c) CITY MANAGER AUTHORITY. The City Manager shall establish a face covering requirement policy for all city employees and other persons on the premises of any city facility.

8.37.030 - EXCEPTIONS. Exceptions for required face covering are as follows:

(a) Persons who fall into the Centers for Disease Control’s guidance for those who should not wear face coverings due to a medical condition, mental health condition or developmental disability.

(b) Persons who have a written note from a healthcare provider excusing mask use.

(c) Persons who have upper-respiratory chronic conditions or other conditions or disabilities that make wearing a mask inappropriate. If a person states that they have a medical condition that prevents them from wearing a mask it shall be assumed that it is true without further verification.

(d) Persons who are communicating with an individual who is deaf or hard of hearing and effective communication cannot be achieved through other means.

(e) Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including, but not limited to, the receipt of dental services or medical treatments or consuming food or beverages.

(f) Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual’s identity.

(g) Persons whose religious beliefs prevent them from wearing a face covering.

(h) Private K through 12 schools that have a comprehensive safety plan in place.

(i) Childcare or youth facilities that have a comprehensive safety plan in place.

(j) In private residences and residential apartment buildings.

8.37.040 OWNER/OPERATOR RESPONSIBILITIES.

(a) The owner (if the owner controls the day to day operations in the building) or operator of any building shall require that all persons present in the building area open to the public comply with **Section 8.37.020 Masks Required.**

(b) RIGHT TO REFUSE SERVICE. The owner or operator of any building open to the public has the right to refuse entry or service to any person for failure to comply with **Section 8.37.020 Masks Required.**

8.37.050 - ENFORCEMENT.

(a) The Police Department shall enforce this chapter by issuing a warning for first offenses and shall only issue a citation for first offenses if an individual refuses to comply with the ordinance after receiving a warning or for second and subsequent offenses.

8.37.060 - PENALTY.

(a) Any person violating this ordinance and any owner (if the owner controls day to day operations) or operator of a building open to the public that does not enforce **Section 8.37.020 Masks Required** in the building shall, upon conviction, forfeit not less than \$10.00 and not more than \$40.00 for a first offense and not less than \$50.00 and not more than \$150.00 for second and subsequent offenses. Each violation shall be considered a separate offense.

EFFECTIVE DATE. This ordinance shall take effect on August 1, 2020 and shall remain in effect until 11:59 p.m. on December 31, 2020 unless extended or earlier terminated by the Common Council.

Ordinance introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Palmer.

AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.
ABSENT: None. ADOPTED: July 21, 2020.

It was then moved by Allen and seconded by Schulgit to **waive the requirement for a second reading of the ordinance.** AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None. ABSENT: None. ADOPTED: July 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

FINAL READING OF ORDINANCE AMENDING SECTION 1.21, SCHEDULE OF DEPOSITS, AS IT PERTAINS TO WHITEWATER'S MASK ORDINANCE.

**ORDINANCE NO. 2005A
AN ORDINANCE AMENDING SECTION 1.21.010
SCHEDULE OF DEPOSITS**

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

SECTION 1: Whitewater Municipal Code Section 1.21.010 is hereby amended to add the following:

<u>CHAPTER OR SECTION NUMBER</u>	<u>OFFENSE</u>	<u>DEPOSIT AND COSTS</u>
Chapter 8.37	Violation of face covering ordinance	\$20.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment 2 nd and subsequent offenses: \$100.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member Allen, who moved its adoption.

Seconded by Council Member Schulgit.

SECOND READING OF ORDINANCE REPEALING CH. 19.19 R-2A RESIDENTIAL INCREASED OCCUPANCY OVERLAY DISTRICT.

ORDINANCE NO. 2002A

SECOND READING OF AN ORDINANCE REPEALING CHAPTER 19.19 R-2A RESIDENTIAL INCREASED OCCUPANCY OVERLAY DISTRICT

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

SECTION 1. Whitewater Municipal Code Chapter 19.19, R-2A Residential Increased Occupancy Overlay District, is hereby repealed.

SECTION 2. The official zoning map of the City of Whitewater is hereby amended to show the above action.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law. Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Singer. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: July 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

SECOND READING OF ORDINANCE AMENDING CHAPTER 5.18, PRIVATE PROPERTY CAFÉ PERMIT.

ORDINANCE NO. 2003A
SECOND READING OF AN ORDINANCE AMENDING THE OUTDOOR PRIVATE
PROPERTY CAFÉ PERMIT

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

SECTION 1. Whitewater Municipal Code Chapter 5.18, Section 5.18.040 is hereby amended to read as follows:

5.18.040 - Permit application.

Application for a permit to operate an outdoor private property cafe shall be submitted to the City and shall include at least the following information:

- (1) Completed city application form.
- (2) Copy of a current certificate of commercial liability insurance in the amount of at least one hundred thousand dollars per occurrence. It is the sole responsibility of the applicant to renew the liability insurance yearly.
- (3) A general layout drawing which accurately depicts the dimensions of the existing premises site, the proposed location of the outdoor private property cafe, size and number of tables (including type), chairs (including type), steps, planters, and umbrellas, location of doorways, trees, light poles and any other obstructions, either existing or proposed, within the outdoor private property cafe area. The type of barrier proposed must also be specified, including height and material. This layout shall be submitted on eight-and-one-half-inch by eleven-inch paper, suitable for reproduction. If additional landscaping is proposed, a detailed landscape plan must be provided.

SECTION 2. Whitewater Municipal Code Chapter 5.18, Section 5.18.050 is hereby amended to read as follows:

5.18.050 - Permit fees.

There shall be no application fee for outdoor private property cafe permits.

SECTION 3. Whitewater Municipal Code Chapter 5.18, Section 5.18.060 (5) is hereby amended to read as follows:

5.18.060 (5) Plant tubs may be located in the outdoor private property cafe. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.

SECTION 4. Whitewater Municipal Code Chapter 5.18, Section 5.18.060 (9) is hereby amended to read as follows:

5.18.060 (9) No amplified entertainment shall be allowed in the outdoor private property cafe unless authorized by the City Manager or designee as part of a special event.

SECTION 5. Whitewater Municipal Code Chapter 5.18, Section 5.18.070 (a) is hereby amended to read as follows:

5.18.070 (a) A permittee may sell and serve alcohol beverages in an outdoor private property cafe only if the permittee complies with all the requirements for obtaining an alcohol beverage license, and the outdoor private property cafe area is listed on the alcohol beverage license application as being a part of the licensed premises.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Schulgit. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None. ABSENT: None. ADOPTED: July 21, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RACIAL JUSTICE AND EQUALITY INITIATIVES AND NEW EQUAL OPPORTUNITIES COMMITTEE.

Due to the heavy agenda schedule, discussion of this subject is delayed until the August 4, 2020 council meeting.

COUNCIL MEETING FORMAT, INCLUDING IN-PERSON VS. VIRTUAL MEETINGS.

It was stated that the Community Development Authority (“CDA”) desires to hold a hybrid CDA meeting. City Manager Clapper prefers consistency in the manner that all City meetings are held. Clapper would like to see Council take action to meet in person prior to other Boards and Commissions meeting in person. City Manager Clapper would also like Council to be the deciding body as to when the manner of holding meetings is changed. Resident Larry Kachel indicated that the University will be opening, and he does not believe it sends a good message to have Council meeting virtually when there are attempts otherwise to get the town opened. Kachel understands there may have to be attendance limitations. He believes the continued virtual City meetings sends the message that it is “ok for others to get going, but the government stays sheltered in our living rooms.”

LAKE DRAW DOWN PROJECT. Due to other lengthy matters on the Council Agenda this evening, the draw down discussion will occur at the August 4, 2020 council meeting.

WATER RATE INCREASE IMPLEMENTATION. As previously directed, the City sent a request for an increase in water rates to the PSC. The request has been approved, and water rates will be increasing effective August 27, 2020. The increase will provide an additional \$361,000 of revenue to the Water Utility annually, with an anticipated rate of return of 4.9%. The average monthly residential bill will increase by \$3.54.

APPOINTMENT OF MEMBER TO TECHNOLOGY PARK BOARD. It was moved by Allen and seconded by Schulgit to appoint David Schulrlock to the Whitewater University Technology Park Board. AYES: McCormick, Schulgit, Brown, Binnie, Palmer, Allen, Singer. NOES: None. ABSENT: None.

REQUESTS FOR FUTURE AGENDA ITEMS AND/OR POLCO QUESTIONS.

Councilmember Singer requested a discussion on how to safely hold city meetings and how to distance. Singer would like the City to put together a hybrid meeting. **Singer** again expressed concerns about gatherings at bars, and wanted a meeting with bar owners to discuss strategies to be used. Singer would like an update on this. **Councilmember McCormick** congratulated Council on the ordinance adoption, and indicated that communities will be looking to Whitewater in a positive way. **Councilmember Schulgit** also expressed concern about the effect of student return, increased bar customers, and the general effect it will have on Covid cases. Councilmember Palmer indicated that he will have to resign soon since he will be moving to a Main Street address, out of his district.

ADJOURNMENT. It was moved by Singer and seconded by Schulgit to adjourn the meeting.
AYES: McCormick, Schulgit, Brown, Binnie, Allen, Palmer, Singer. NOES: None. ABSENT:
None. The meeting adjourned at 10:38 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk

2020 Salary Resolution
Amendment #3

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, set forth the wage and salary schedule in which wages are established for employees during 2020

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 2020 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 January 1, 2020 Amendment #3 dated June 23, 2020.

Position	Department	Minimum Hourly	Maximum Hourly	Minimum Annual	Maximum Annual
Accountant	Finance and Administrative Services	\$19.33	\$24.58		
Accounting Technician II - Payroll & Accounts Payable	Finance and Administrative Services	\$16.81	\$21.37		
Accounting Technician II-Utilities	Finance and Administrative Services	\$16.81	\$21.37		
Activity Instructors	Parks and Recreation	\$7.75	\$9.19		
Activity Leaders / Lifeguards & WSI Aide	Parks and Recreation	\$9.25	\$12.07		
Administrative Assistant I - Utilities	Department of Public Works	\$16.81	\$21.37		
Administrative Assistant I- Neighborhood Services	Neighborhood Services	\$16.81	\$21.37		
Administrative Assistant I - Records Technician	Police	\$16.81	\$21.37		
Aquatic & Fitness Programmer	Parks and Recreation			\$45,036.56	\$57,269.63
Assistant Library Director	Library			\$48,556.79	\$61,744.18
Building Maintenance	Parks and Recreation	\$23.01	\$27.54		
Camera Operators	Public Relations and Communications	\$7.25	\$10.23		
Captain	Police			\$84,308.98	\$89,817.04
CDA Administrative Assistant	Administration	\$16.81	\$21.37		
Certified Instructors	Parks and Recreation	\$15.00	\$20.99		
Chief Election Inspectors	Administration	\$12.00	\$12.00		
City Clerk	Administration			\$48,556.79	\$61,744.18
Clerk of Court (Part-time)	Administration	\$16.81	\$21.37		
Communications Coordinator	Police	\$20.37	\$27.57		
Community Service Officer	Police	\$10.75	\$10.98		

Comptroller	Finance and Administrative Services			\$55,596.99	\$70,697.74
Custodian/Groundskeeper	Wastewater	\$15.72	\$20.08		
Customer Service Specialist	Library	\$13.60	\$17.31		
Deputy Clerk	Administration	\$16.81	\$21.37		
Deputy Chief	Police			\$88,004.80	\$95,463.50
Desk Staff	Parks and Recreation	\$10.00	\$15.74		
Detective Lieutenant	Police		\$37.89		
Detective	Police		\$34.16		
Director of Public Works/City Engineer	Administration			\$77,345.90	\$97,705.39
Dispatcher / Records Communications Aide II	Police	\$17.63	\$21.22		
Dispatcher / Records Communications Aide I	Police	\$18.52	\$25.06		
Economic Development Director	Administration			\$52,924.89	\$79,648.20
Election Inspectors	Administration	\$10.00	\$10.00		
Engineering Technician	DPW	\$23.01	\$27.54		
Executive Assistant	Administration	\$16.81	\$21.97		
Foreman (Lead)	DPW	\$26.24	\$31.54		
Finance & Administrative Services Director	Finance and Administrative Services			\$77,345.90	\$97,705.39
Fire Inspector / Code Enforcement Officer	Neighborhood Services	\$13.60	\$17.31		
Fitness and Member Services Coordinator	Parks and Recreation			\$35,568.00	\$43,641.93
GIS Technician	Neighborhood Services	\$18.26	\$23.23		
Head Lifeguard	Parks and Recreation	\$12.00	\$15.74		
Human Resources Manager	Administration			\$51,048.00	\$69,065.00
Chief Information Officer	Finance and Administrative Services			\$59,115.92	\$75,172.27
Lab Assistant	Wastewater	\$10.20	\$12.20		
Laborer I	Streets/Parks/Forestry	\$23.01	\$27.54		
Laborer II	Streets/Parks/Forestry	\$18.37	\$22.92		
Lead Operator	Wastewater	\$26.24	\$31.54		
Lead Operator	Water	\$26.24	\$31.54		

Library Director	Library			\$62,634.59	\$79,648.20
Lieutenant	Police	\$37.89			
Laborer I - Mechanic	Streets/Parks/Forestry	\$23.01	\$27.54		
Neighborhood Services Director	Neighborhood Services			\$55,596.99	\$70,697.74
Outreach Services Specialist	Library	\$15.45	\$19.65		
Parks & Recreation Director	Parks and Recreation			\$62,634.59	\$79,648.20
Patrol Officer	Police	\$27.73	\$32.54		
Patrol Officer In Training	Police	\$20.80			
Program Attendants	Parks and Recreation	\$7.25	\$8.66		
Programming and Makerspace Librarian	Library	\$15.45	\$19.65		
Public Relations / Communications Manager	Finance and Administrative Services			\$45,036.56	\$57,269.63
Recreation & Community Events Programmer	Parks and Recreation			\$45,036.56	\$57,269.63
Recreation Program Coordinator	Parks and Recreation	\$16.81	\$21.37		
School Resource Officer (SRO)	Police	\$34.16			
Seasonal Laborer	Streets/Parks/Forestry	\$10.00	\$15.32		
Senior Coordinator (Part time)	Parks and Recreation	\$15.69	\$19.65		
Sports Officials	Parks and Recreation	\$20.00	\$25.00		
Streets, Parks & Forestry Superintendent	Streets/Parks/Forestry			\$62,634.59	\$79,648.20
Support Services Manager	Police			\$45,036.56	\$57,269.63
Technical Services Specialist	Library	\$15.45	\$19.65		
Tournament Manager	Parks and Recreation	\$13.60	\$17.31		
Vacant Grade				\$69,675.06	\$88,601.73
Vacant Grade				\$73,313.65	\$92,611.74
Vacant Grade				\$81,599.92	\$103,079.18
Wastewater Specialist II	Wastewater	\$18.37	\$22.92		
Wastewater Specialist I	Wastewater	\$23.01	\$27.54		
Wastewater Operator / Lab Technician	Wastewater	\$23.01	\$29.20		
Wastewater Plant Superintendent	Wastewater			\$62,634.59	\$79,648.20

Water Laborer II	Water	\$18.37	\$22.92		
Water Laborer I	Water	\$23.01	\$27.54		
Water Operator	Water	\$23.01	\$29.20		
Water Superintendent	Water			\$62,634.59	\$79,648.20
WIAA Sports Officials	Parks and Recreation	\$35.00	\$35.00		
Youth Educational Services Librarian	Library			\$37,997.67	\$48,317.52
¹ Annual Minimum and Maximum are estimated based on a full-time schedule of 2080 hours. These amounts do not reflect a guaranteed annual sum for hourly employees.					
² Benefit eligible staff hired prior to 11/20/2017 will be guaranteed a minimum wage adjustment based upon the schedule published in the 2017 Salary Resolution, All wage adjustments are contingent upon an acceptable performance evaluation.					

Resolution introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: June 23, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk



Council Agenda Item

Meeting Date:	August 4, 2020
Agenda Item:	Ordinance Requiring Face Coverings Update & Amendment
Staff Contact (name, email, phone):	Cameron Clapper, cclapper@whitewater-wi.gov , 262-473-0104

BACKGROUND

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

On July 21, the common council acted to pass ordinance 8.37 requiring the use of a face covering or mask in indoor areas open to the public for the duration of 2020.

On July 30, the governor issued an order requiring the wearing of a face covering in certain situations.

In the time between enacting the city ordinance and the state order from the governor, one issue was identified as needing clarification in the city ordinance. That issue was related to those who may be speaking at an indoor gathering such as a religious worship service and whether or not such individuals would be required to wear a mask.

The city attorney will provide a draft amendment to the existing ordinance for consideration. That amendment will be provided later in the common council packet or by electronic means.

At this time, staff is seeking action from the common council related to the amendment.

The state order and the city ordinance as passed on July 21, 2020 are included with this memo as information support for this item.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

If it is the desire of the common council to maintain the existing ordinance, staff would recommend approval of the amendment subject to additions/clarifications provided by the city attorney or common council members.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Ordinance 8.37 Requiring Face Coverings
2. Emergency Order #1 Relating to preventing the spread of COVID-19 by requiring face coverings in certain situations
3. Emergency Order #1 FAQs
4. An Amendment to Ordinance 8.37 (to be provided separately)

AN ORDINANCE CREATING CHAPTER 8.37 REQUIRING FACE COVERINGS DURING
COVID-19 PANDEMIC

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

SECTION 1. Whitewater Municipal Code Chapter 8.37 is hereby created to read as follows:

Chapter 8.37 – FACE COVERING REQUIREMENTS DURING COVID-19 PANDEMIC

WHEREAS, COVID-19 cases have increased in Wisconsin, Walworth and Jefferson Counties and the City of Whitewater in recent weeks; and

WHEREAS, public spaces and businesses are open for in-person operations in the City of Whitewater, increasing the potential for further community spread of COVID-19; and

WHEREAS, COVID-19 is primarily spread via respiratory droplets when people are in close proximity with each other and people that are infected speak, sneeze, or cough and people can be infected and have no symptoms (asymptomatic) and are still able to transmit the virus; and

WHEREAS, according to the Centers for Disease Control (CDC), there is emerging evidence from clinical and laboratory studies that demonstrates face masks reduce the spray of respiratory droplets; and

WHEREAS, wearing a face mask is one of the most effective ways to reduce person to person transmission of COVID-19 and face masks serve as a barrier to prevent droplets from entering the air, which is known as source control and when combined with other preventive measures, including physical distancing and proper hygiene practices, wearing face masks is a simple and effective way to reduce the risk of COVID-19 transmission; and

WHEREAS, according to the Centers for Disease Control (CDC), the effectiveness of face coverings at reducing the spread of COVID-19 is highest when masks are widely used by people in public settings and in settings where physical distancing is difficult to maintain;

8.37.010 DEFINITIONS.

(a) **FACE COVERING.** A face covering is a non-mesh, intact, protective mask without holes or perforations, covering the nose and mouth including cloth face coverings and surgical masks.

(b) **BUILDING AREA OPEN TO THE PUBLIC.** An area in a public or privately-owned structure, including exterior parts of the building, such as a porch, exterior platform or steps providing means of ingress or egress that the public is invited or allowed to frequent.

An example of an area of a building open to the public would be the public reception lobby of a manufacturing building. That same building may have 200 employees working in areas not

open to the public. Those 200 employees and others in that area of the building would not be required to wear masks under this ordinance. Also, private residences and residential apartment buildings are not considered to be buildings open to the public under this ordinance.

8.37.020 – MASKS REQUIRED

(a) MASK REQUIRED INDOORS IN CERTAIN AREAS. Any person 5 years old or older who is present in the City of Whitewater shall wear a face covering whenever the person is in a building open to the public and is in an area of the building open to the public, or is a pedestrian picking up food, drink or goods inside or outside of the building or waiting in line to enter such an area.

(b) Masks shall be required for individuals who are attending the Tuesday Whitewater City Market and the Saturday Whitewater Farmers Market which are located in the area of the intersection of Fremont Street and Whitewater Street.

(c) CITY MANAGER AUTHORITY. The City Manager shall establish a face covering requirement policy for all city employees and other persons on the premises of any city facility.

8.37.030 - EXCEPTIONS. Exceptions for required face covering are as follows:

(a) Persons who fall into the Centers for Disease Control's guidance for those who should not wear face coverings due to a medical condition, mental health condition or developmental disability.

(b) Persons who have a written note from a healthcare provider excusing mask use.

(c) Persons who have upper-respiratory chronic conditions or other conditions or disabilities that make wearing a mask inappropriate. If a person states that they have a medical condition that prevents them from wearing a mask it shall be assumed that it is true without further verification.

(d) Persons who are communicating with an individual who is deaf or hard of hearing and effective communication cannot be achieved through other means.

(e) Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including, but not limited to, the receipt of dental services or medical treatments or consuming food or beverages.

(f) Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.

(g) Persons whose religious beliefs prevent them from wearing a face covering.

(h) Private K through 12 schools that have a comprehensive safety plan in place.

(i) Childcare or youth facilities that have a comprehensive safety plan in place.

(j) In private residences and residential apartment buildings.

8.37.040 OWNER/OPERATOR RESPONSIBILITIES.

(a) The owner (if the owner controls the day to day operations in the building) or operator of any building shall require that all persons present in the building area open to the public comply with **Section 8.37.020 Masks Required**.

(b) **RIGHT TO REFUSE SERVICE.** The owner or operator of any building open to the public has the right to refuse entry or service to any person for failure to comply with **Section 8.37.020 Masks Required**.

8.37.050 - ENFORCEMENT.

(a) The Police Department shall enforce this chapter by issuing a warning for first offenses and shall only issue a citation for first offenses if an individual refuses to comply with the ordinance after receiving a warning or for second and subsequent offenses.

8.37.060 - PENALTY.

(a) Any person violating this ordinance and any owner (if the owner controls day to day operations) or operator of a building open to the public that does not enforce **Section 8.37.020 Masks Required** in the building shall, upon conviction, forfeit not less than \$10.00 and not more than \$40.00 for a first offense and not less than \$50.00 and not more than \$150.00 for second and subsequent offenses. Each violation shall be considered a separate offense.

EFFECTIVE DATE. This ordinance shall take effect on August 1, 2020 and shall remain in effect until 11:59 p.m. on December 31, 2020 unless extended or earlier terminated by the Common Council.

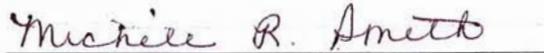
Ordinance introduced by Council Member Binnie, who moved its adoption. Seconded by Council Member Palmer.

AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.
ABSENT: None. ADOPTED: July 21, 2020.

It was then moved by Allen and seconded by Schulgit to **waive the requirement for a second reading of the ordinance**. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None. ABSENT: None. ADOPTED: July 21, 2020.


Cameron L. Clapper, City Manager


Michele R. Smith, City Clerk



EMERGENCY ORDER #1

Relating to preventing the spread of COVID-19 by requiring face coverings in certain situations

WHEREAS, on July 30, 2020, I issued Executive Order #82, declaring a public health emergency to combat the uncontrolled spread of COVID-19 throughout the State of Wisconsin;

WHEREAS, on July 26, 2020, the President’s COVID-19 task force recommended that Wisconsin consider adopting a statewide face covering requirement due to the increasing number of confirmed COVID-19 cases;

WHEREAS, face coverings are a proven, effective way to slow the spread of COVID-19 without having a significant impact on people’s day-to-day lives;

WHEREAS, the Centers for Disease Control (CDC) has called on Americans to wear face coverings, with the CDC director stating, “[c]loth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities”;

WHEREAS, published scientific research has shown that the probability of transmission during exposure between a person infected with COVID-19 to an uninfected person is 17.4 percent if face coverings are not worn, and 3.1 percent if face coverings are worn;

WHEREAS, modeling by the University of Washington’s Institute for Health Metrics and Evaluation estimates that a face covering requirement in Wisconsin could save more than 500 lives by October 1 if 95 percent of Wisconsinites wear a face covering in public;

WHEREAS, states across the nation have recognized the importance and effectiveness of face coverings, with 31 states implementing requirements for face coverings in different settings, including: Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Washington, and West Virginia;

WHEREAS, Wisconsin must do its part to stop the spread of COVID-19 in the United States, which is leading the world in COVID-19 cases and deaths;

WHEREAS, COVID-19 is not only a threat to public health, but also to our economy;

WHEREAS, widespread use of face coverings will slow the spread of COVID-19, allowing Wisconsin’s economy to move forward by making sure businesses can stay open and jobs are available;

WHEREAS, all Wisconsinites are called upon to join in the collective effort to stop the devastating impact of COVID-19 by wearing a face covering, not harassing or threatening Wisconsinites who wear a face covering, and showing patience and compassion for those who are unable to wear a face covering safely;

WHEREAS, “Our Constitution principally entrusts ‘[t]he safety and the health of the people’ to the politically accountable officials of the States ‘to guard and protect.’” *S. Bay United Pentecostal Church v Newsom*, 140 S. Ct. 1613, (Mem)-1614 (2020) (quoting *Jacobson v. Massachusetts*, 197 U.S. 11, 38 (1905));

WHEREAS, Section 323.12(4)(b) of the Wisconsin Statutes authorizes the Governor to issue “such orders as he or she deems necessary for the security of persons and property” during an emergency; and

WHEREAS, based on input from state and local public health officials, medical professionals, and business leaders, I have determined that a statewide face covering requirement is necessary to protect persons throughout the State of Wisconsin from COVID-19.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this state, and specifically Section 323.12 of the Wisconsin Statutes, hereby order the following:

1. DEFINITIONS.

- a. “Enclosed space” means a confined space open to the public where individuals congregate, including but not limited to outdoor bars, outdoor restaurants, taxis, public transit, ride-share vehicles, and outdoor park structures.
- b. “Face covering” means a piece of cloth or other material that is worn to cover the nose and mouth completely. A “face covering” includes but is not limited to a bandana, a cloth face mask, a disposable or paper mask, a neck gaiter, or a religious face covering. A “face covering” does not include face shields, mesh masks, masks with holes or openings, or masks with vents.
- c. “Physical distancing” means maintaining at least six feet of distance from other individuals who are not members of your household or living unit.

2. FACE COVERING REQUIRED. Every individual, age five and older, in Wisconsin shall wear a face covering if both of the following apply:

- a. The individual is indoors or in an enclosed space, other than at a private residence; and;
- b. Another person or persons who are not members of individual’s household or living unit are present in the same room or enclosed space.

Face coverings are strongly recommended in all other settings, including outdoors when it is not possible to maintain physical distancing.

3. EXCEPTIONS.

- a. Individuals who are otherwise required to wear a face covering may remove the face covering in the following situations:
 - i. While eating or drinking.
 - ii. When communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.

- iii. While obtaining a service that requires the temporary removal of the face covering, such as dental services.
 - iv. While sleeping.
 - v. While swimming or on duty as a lifeguard.
 - vi. While a single individual is giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.
 - vii. When engaging in work where wearing a face covering would create a risk to the individual, as determined by government safety guidelines.
 - viii. When necessary to confirm the individual's identity, including when entering a bank, credit union, or other financial institution.
 - ix. When federal or state law or regulations prohibit wearing a face covering.
- b. In accordance with [CDC guidance](#), the following individuals are exempt from the face covering requirement in Section 2:
- i. Children between the ages of 2 and 5 are encouraged to wear a mask when physical distancing is not possible. The CDC does not recommend masks for children under the age of 2.
 - ii. Individuals who have trouble breathing.
 - iii. Individuals who are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
 - iv. Individuals with medical conditions, intellectual or developmental disabilities, mental health conditions, or other sensory sensitivities that prevent the individual from wearing a face covering.
 - v. Incarcerated individuals. The Wisconsin Department of Corrections shall continue to comply with COVID-19 protocols to ensure the health and safety of its staff and individuals in its care. Local governments are strongly encouraged to continue or create COVID-19 protocols to ensure the health and safety of their staff and individuals in their care.

4. LEGISLATURE AND JUDICIARY. State facilities or offices under the control of the Wisconsin State Legislature or the Wisconsin Supreme Court are exempt from this Order. The Wisconsin State Legislature and the Wisconsin Supreme Court may establish guidelines for face coverings that are consistent with the specific needs of their respective branches of government.

5. PRESERVATION OF MEDICAL SUPPLIES. To conserve limited supplies of N95 masks and other medical-grade supplies, individuals are discouraged from using such supplies as face coverings.

6. LOCAL ORDERS. This Order supersedes any local order that is less restrictive. Local governments may issue orders more restrictive than this Order.

7. ENFORCEMENT. This order is enforceable by civil forfeiture of not more than \$200. Wis. Stat. § 323.28.

8. SEVERABILITY. If any provision of this Order or its application to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other individuals or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

9. DURATION. This Order shall enter into effect at 12:01 am on Saturday, August 1, 2020. This Order shall expire on September 28, 2020, or by a subsequent superseding emergency order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirtieth day of July in the year of two thousand twenty.

TONY EVERS
Governor



Why are face coverings required?

Cloth face coverings (or face masks) are recommended by the Centers for Disease Control (CDC), the Wisconsin Department of Health Services (DHS), and healthcare professionals as an easy way to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice.

Rates of COVID-19 have significantly increased in Wisconsin as more people return to work and have more interactions in public. Wearing face coverings is the simplest way to slow and prevent the spread of COVID-19 virus without requiring people stay in their homes.

When do I need to wear a face covering?

You need to wear a face covering whenever you are indoors or in an enclosed space, other than a private residence, and other people are present in the same room or space. For example, you must wear a mask while you are shopping in a store or using a taxi.

When do I *not* need to wear a face covering?

You do not need to wear a face covering if:

- you are at a private residence;
- you are outside; or
- you are indoors and no one else is present.

You can also remove your face covering in the following situations:

- When you are eating or drinking.
- When you are communicating with someone who is deaf or hard of hearing and you cannot communicate while wearing a mask.
- While sleeping (e.g., firefighters sleeping at a fire station).
- While swimming or being on duty as a life guard.
- When you are giving a religious, political, media, educational, artistic, cultural, musical, or theatrical presentation for an audience, so long as you have at least 6 feet between you and other individuals.
- When you are working if wearing a face covering poses a safety risk, as determined by government safety guidelines or regulations.
- When you need to temporarily remove your face covering to confirm your identify, such as entering a bank, credit union, or other financial institution or when having to show that you match your identification card when buying alcohol.
- When engaging in activities where federal or state law or regulations prohibit wearing a face covering.

Do I need to wear a face covering indoors, even if I can physically distance from other people at all times?

Yes, you need to wear a face covering indoors unless you are at a private residence or you're the only person in the room.

Do I need to wear a face covering when I exercise?

It depends on where you are exercising. You do not need to wear a face covering if you are exercising in a private residence or outdoors. For example, you do not need to wear a mask if you are riding your bike on a trail. But you do need to wear a face covering if you are exercising indoors or in an enclosed space and other people are present, such as a gym, a cycling studio, or hotel workout room.

Do I need to wear a face covering when eating, drinking, or sleeping in indoor places other than my home?

No. But you must put your face covering on again when you are done with these activities. For example, while you're waiting for your table or waiting for a server to come take your order, keep your mask on. This includes outdoor restaurant and bar areas.

I have a medical condition that prevents me from wearing a face covering. Do I need documentation to prove that I don't need to wear a face covering in public?

No. You are not required to carry documentation to prove that you do not need to wear a face covering in public.

Does this order apply to private residences that are also used for business activity, such as a massage therapist who operates out of their home?

No, the order does not apply to private residences.

Where can I get a face covering?

You can make a face covering. The CDC provides both [sew and no-sew instructions](#).

You can buy a face covering from a store, including online stores.

Also, many communities have programs where individuals can get a face covering for free. Check your neighborhood groups and community organizations for such programs.

Can I wear a face shield instead of a face covering?

No. A face shield does not provide the same protections as a face covering. You are free to wear a face shield *in addition* to a face covering. But a face shield cannot be used in place of a face covering that would otherwise be required by this order.

There may be situations where a face shield can be used instead of a face covering if you are engaging in work where wearing a face covering would create a risk to you, as determined by government safety guidelines, or if you are engaging in activities where federal or state law or regulations prohibit wearing a face covering. But that will depend on the specific government safety guidelines.

Are face coverings required inside businesses and office spaces?

Yes, unless an exception applies.

Do I need to wear a face covering when in my car, in a ride-share service, or on public transportation?

The only time you need to wear a face covering in your own car is if you're traveling with people from another household. You have to wear a mask if you're using a ride-share or on public transportation.

Where can I get more information on how to wear a face covering, safe practices for putting it on and taking it off, and when to wash face coverings?

The Wisconsin Department of Health Services (DHS) has information on its website on wearing, cleaning, and making face coverings (<https://www.dhs.wisconsin.gov/covid-19/protect.htm>). Additional information can be found on the US Centers for Disease Control (CDC) website (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>).

Will businesses be required to provide face coverings for their employees or customers?

No. But many businesses may decide to offer face coverings to employees or customers and are encouraged to do so.

How will the face covering order be enforced?

Local and state officials may enforce the order. Violating the order may result in a civil fine up to \$200.

What do I do if I see someone not wearing a mask, even though they should be?

Nothing. Some people have conditions or circumstances that would make wearing a cloth face covering difficult or dangerous. Just wear your mask and stay six feet away.

What do I do if someone is harassing me for wearing a mask?

No one should have to endure harassment, for any reason. Contact your local law enforcement.

What if the town or city I live in already has a face covering or mask order?

The Governor's order sets a minimum bar. If your local government has stricter requirements, those requirements must be followed.

ORDINANCE No. _____
AN ORDINANCE **AMENDING** CHAPTER 8.37 REQUIRING FACE COVERINGS DURING
COVID-19 PANDEMIC

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

SECTION 1. Whitewater Municipal Code Chapter 8.37 Section 8.37.030 is hereby amended by adding exception (k) to read as follows:

(k) While a single individual is giving a religious, political, media, educational, artistic, cultural, musical or theatrical presentation for an audience, the single speaker may remove the face covering when actively speaking. While the face covering is removed, the speaker must remain at least 6 feet away from all other individuals at all times.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

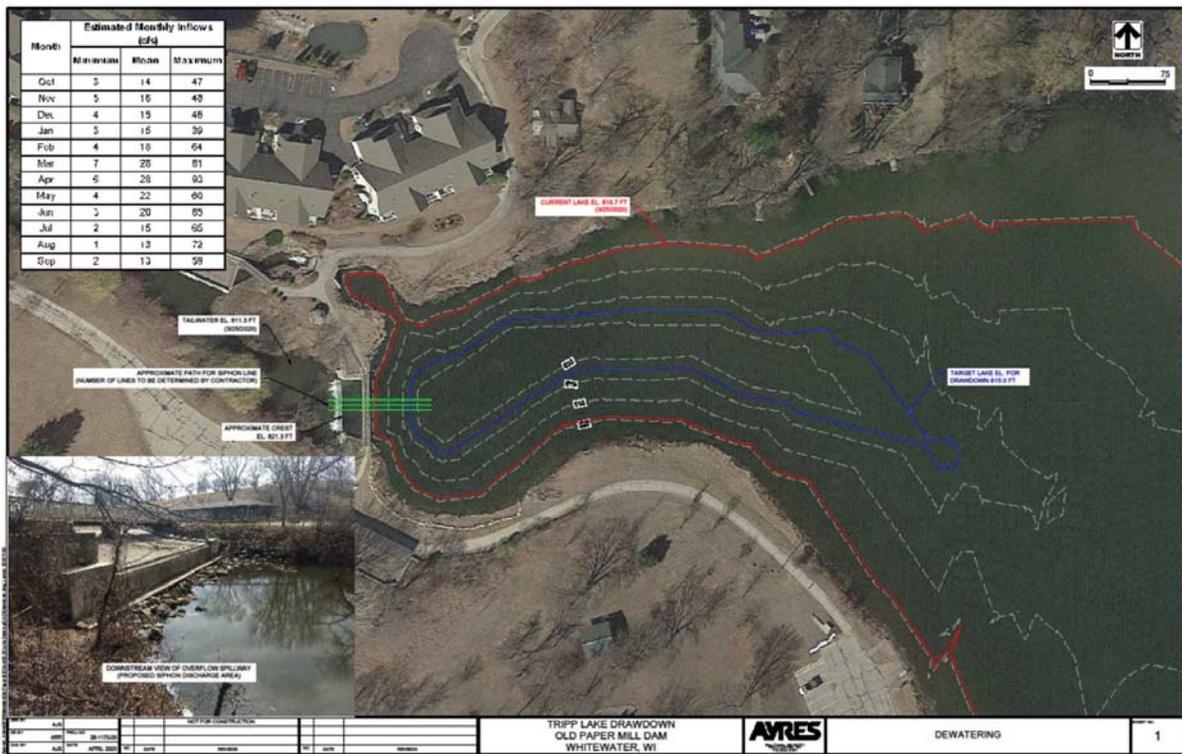


**Lakes Community Meeting
Drawdown Updates and
Shoreline Restoration
July 16, 2020**

Currently

- Cravath Drawdown is at its lowest level. The head cutting by the stream continues.
- Trippe Lake levels are down 3-4 feet depending on water level and precipitation.
- Trippe Lake siphon scheduled to start July 27,2020. This should bring down water to our 5-6ft depth we are working towards.
- Dredging Permits and Plan are on schedule for bidding of project late October of 2020.

Trippe Lake Siphon



Cravath Lake April 2020



Cravath Lake July of 2020





Trippe Lake April 2020





Trippe Lake July 2020





Drawdown Project Continues

- Completed the removal of the rock ledge in Cravath Lake.
(May 2020)
- Siphon project for Trippe lake to continue drawdown.
(July 27, 2020)
- Planning for potential dredging for winter of 2020/2021
(Project bid scheduled for late October 2020)

Shoreline Restoration

- Permits are tied to the property and property owner.
- Since each individual landowner needs to acquire their own permit the city is not able to do a blanket permit for shoreline restoration or dredging.

Shoreline Erosion Control Types

- **Riprap**

WI DNR permit may not be required for proposed rock riprap shoreline erosion control projects. This includes the placement of new rock riprap, and also the repair and replacement of existing rock riprap.

- **Biological Shore Erosion Control Structures**

Examples include structures that are made up of biological materials; native grasses, trees, live stakes and posts, non -treated wood, mats, fiber rolls, etc.

Riprap Exemption Check List

State of Wisconsin Department of Natural Resources www.dnr.wi.gov	30.12(1g)(jm) Riprap Exemption Checklist (R 10/17)
---------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------

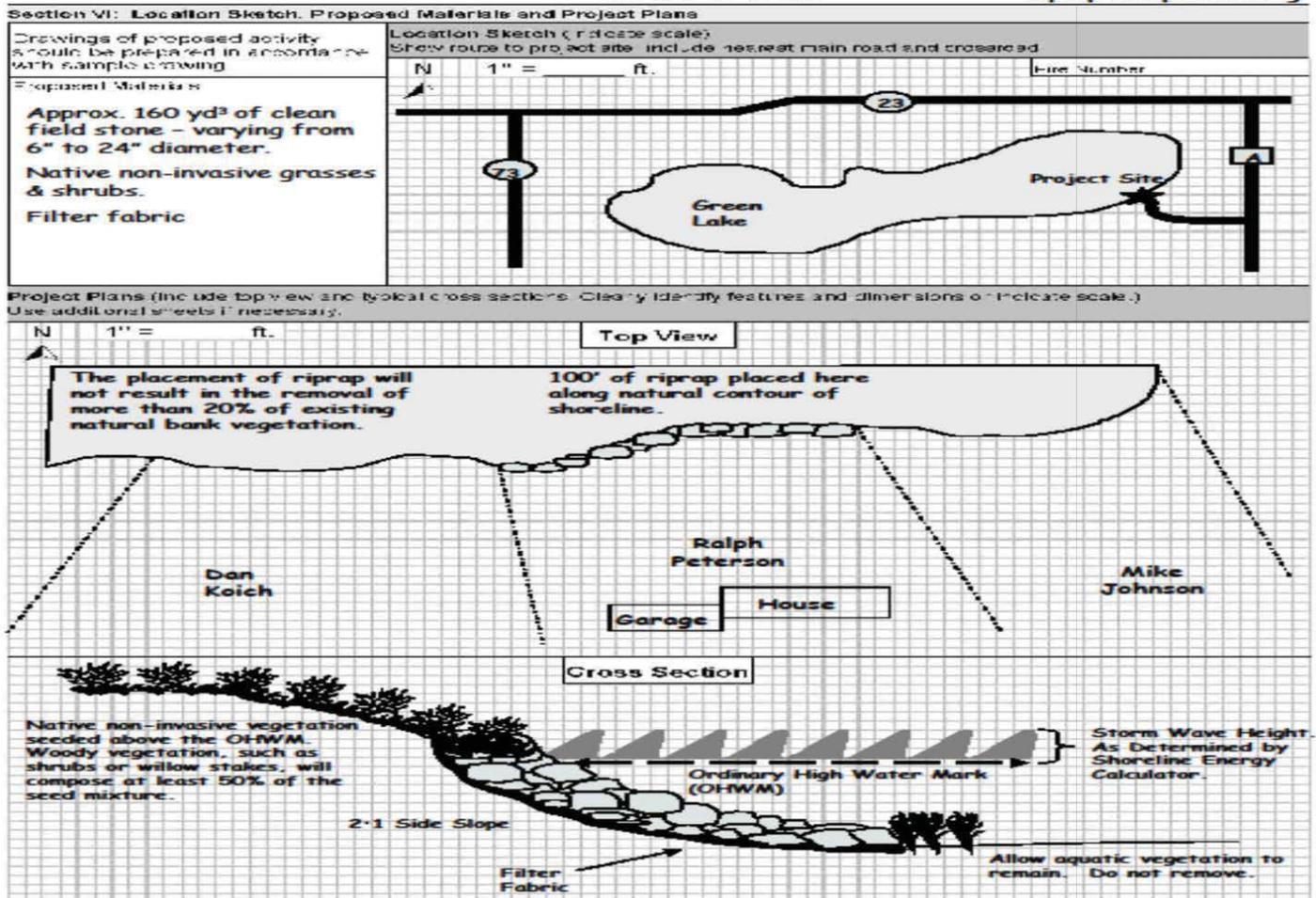
Certain activities in navigable waters are exempt from needing a permit under chapter 30, Wisconsin Statutes. Using this checklist, you can determine if your project qualifies for an exemption.

Your proposed **rip rap placement, rip rap replacement or rip rap repair project** is eligible for an exemption under Wis. Stat. 30.12(1g)(jm) if your project will meet all the following conditions:

- The riprap may not be located in an area of special natural resource interest (ASNRI)– see the Designated Waters Search on DNR's website to determine if your waterway is an ASNRI or has another special designation.
- The riprap may be placed and maintained only by a riparian (an authorized agent or contractor may do the work on behalf of the riparian).
- Rip rap, rip rap replacement, or rip rap repair may not exceed 200 linear feet of shoreline on an inland lake, flowage stream or river. Rip rap, rip rap replacement or rip rap repair may not exceed 300 linear feet in a Great Lakes waterbody.
- Rip rap is clean field stone or quarry stone with a diameter of no less than 6 inches and no greater than 48 inches.
- The toe of the rip rap does not extend more than eight feet waterward of the ordinary high-water mark.
- The rip rap slope is not steeper than one foot horizontal to 1.25 feet vertical.
- Rip rap does not reach an elevation higher than 36 inches above the ordinary high-water mark or above the storm-wave height, as calculated using the Department's [erosion calculator](#).
- No material or soil may be placed in a wetland.
- No fill material or soil may be placed below the ordinary high water mark of any navigable waterway.
- The rip rap must follow the natural contour of the shoreline.
- Filter fabric or clean-washed gravel must be used as a filter layer under the rip rap.
- Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet. Check with your county zoning department for before commencing land disturbing or vegetation removal activities.
- Erosion control measures shall meet or exceed the technical standards for erosion control approved by the department under subch. V of ch. [NR 151](#). Any area where topsoil is exposed during construction shall be immediately sodded, seeded and mulched, covered with an erosion mat or rippapped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
Note: These standards can be found at the following website: [WDNR Technical Standards](#).
- Unless part of a permanent stormwater management plan, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- No waterward extension of the property is permitted other than what is reasonably necessary to conduct the project and protect the existing bank. No soil or similar fill material may be placed in a wetland or below the ordinary high water mark of any navigable waterway.

Riprap Sample Drawing

Waterway General Permit Application and Approval Form 3502 (08/15/05) Riprap Sample Drawing



Dredging Permit Guidelines

- No Permit required for less than 2 cubic yards total per year (about one small dump truck full)

2 TYPE OF PERMITS REQUIRED FOR LARGER PROJECTS

- General Permit
 - Small Scale Dredging (not exceeding 25 cubic yards)
- Individual Permit
 - Lake or Stream Dredging Individual Permit Checklist (exceeds 25 cubic yards or does not meet other checklist requirements)

Time Line and Cost for Permits

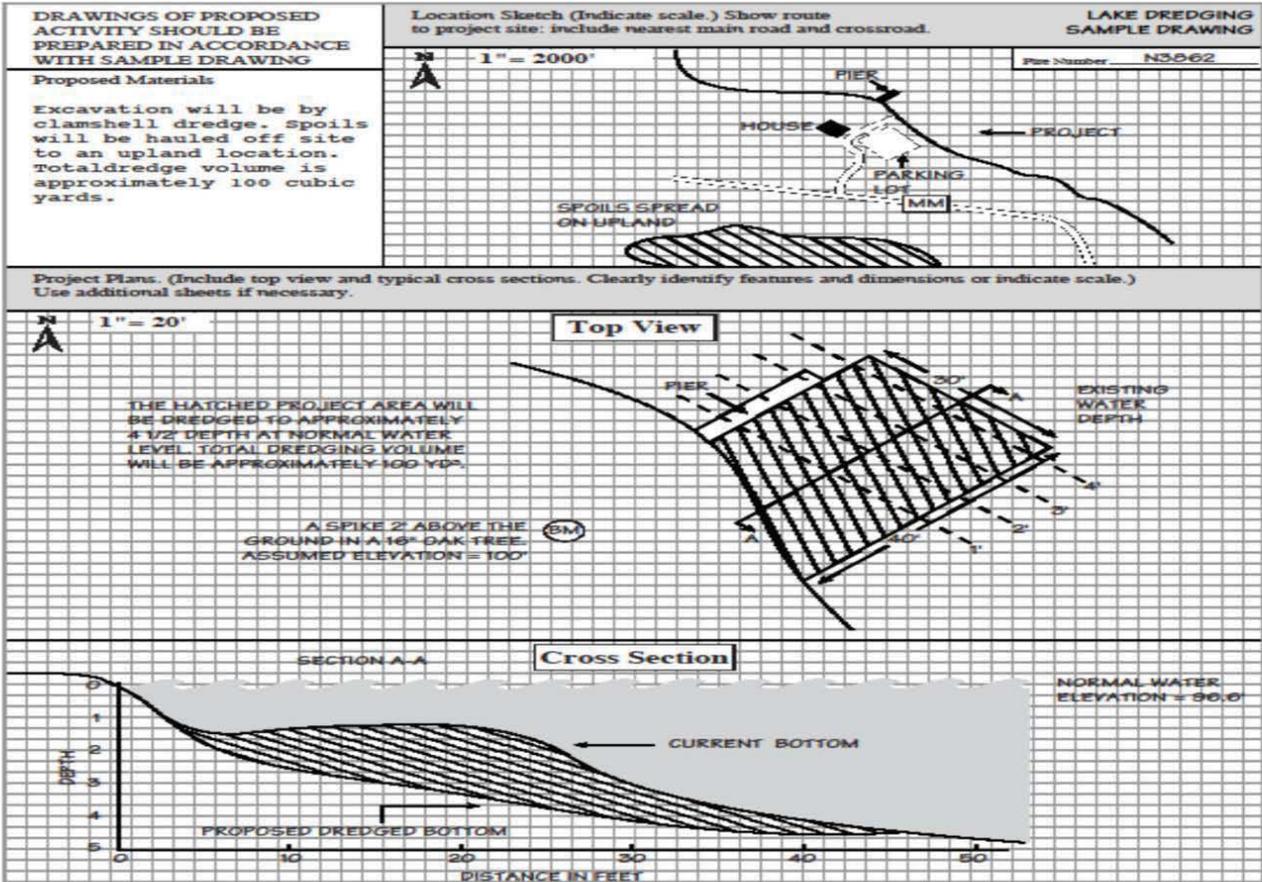
General Permits

Have a 30-day turnaround and cost \$303

Individual Permits

Have a turnaround time of 45 to 90 days and cost \$603

Permit Applications are due end of January 2021!



DNR Contact Information

- General Inquires: DNR Waterway and Wetland Call Intake Team
Email: DNRWMSPublicInquiry@wisconsin.gov
Phone: (608) 267-3125
- Project Specific/Technical Inquires:
Theresa Szabelski
Walworth County Water Management Specialist
Email: Theresa.Szabelski@wisconsin.gov
Phone: (262) 282-4740
- DNR Waterway Main Webpage:
<https://dnr.wi.gov/topic/Waterways/>

Alternate Timeline

- Delay Dredging until Winter of 2022

- Pro's

- Ecological Benefits
 - Allow both lakes an additional year to eliminate invasive.
 - Additional time for head cutting of channel
 - Possible increase depth from decomposition
- Additional time for shoreline restoration for land owners

- Con's

- Loss of another lake season
- Additional burning of vegetation



Eric Boettcher

Director of Parks & Recreation

Email: eboettcher@whitewater-wi.gov

Phone: 262-473-0122



Council Agenda Item

Meeting Date: August 4, 2020

Agenda Item: Lakes Drawdown Timeline

Staff Contact (name, email, phone): Eric Boettcher – eboettcher@whitewater-wi.gov, 262-473-0122

BACKGROUND

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

The City Lakes Drawdown project is anticipating the possible dredging of the lakes in the winter of 2021. Council has requested for city staff to look at what the potential impact of waiting an additional year to complete the project. The topic was brought up at the July 16, 2020 Lakes Drawdown meeting for discussion. Ecological and project planning benefits were discussed, however the negative of missing another lake season was also mentioned. Residents that attend the meeting suggested city staff survey the community to determine if a delay would be supported.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

July 16, 2020 Lakes Drawdown and Shoreline Restoration meeting attendees recommended to survey the community to determine if there was support for delaying the project.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

To gather more information to see if delaying project would be supported by community

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. July 16, 2020 Lakes Drawdown Presentation



Council Agenda Item

Meeting Date:	August 4, 2020
Agenda Item:	Racial Justice and Equality Initiatives
Staff Contact (name, email, phone):	Cameron Clapper, cclapper@whitewater-wi.gov , 262-473-0104

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

On June 16, the common council passed a resolution in support of racial justice. The city manager also presented a set of initiatives so serve as a starting point to increase diversity and inclusivity in Whitewater municipal government.

As part of the June 16 meeting, the city manager also provided a presentation on a number of initiatives meant to help identify and eliminate policies or practices within local government that contribute to systematic racism in the Whitewater community.

This presentation will be an update on progress and any next steps related to these initiatives.

Perhaps one of the initiatives exceeds the others in terms of significance, that being the establishment of a public body, subject to the common council, that can provide feedback to staff as well as officials regarding the issue of systematic racism in Whitewater.

A draft ordinance modifying the role and composition of the Equal Opportunities Committee (EOC) was provided by the city attorney and is included with this packet. This proposed ordinance is in a very rough draft form and staff is looking for feedback on the draft in addition to providing the community with an update.

While a draft is being provided, work to review similar ordinances in other communities continues. Staff may have additional language to suggests for the draft by Tuesday. The ordinance will not come to the common council as an ordinance for approval until feedback is obtained and integrated into the draft.

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

None.

FINANCIAL IMPACT
(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff seeks feedback regarding current efforts and guidance regarding further efforts.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. June 16, 2020 Slides
2. Draft Ordinance



Committing to Racial Justice

Setting the Record Straight





Police Policy Review

#8CANTWAIT & Whitewater PD Policies

Sources for slide material:

- #8CANTWAIT: A project by Campaign Zero (<https://8cantwait.org/>)
- Established Whitewater PD (WWPD) Policies
- Wisconsin Department of Justice Training & Standards Bureau, Defense and Arrest Tactics (DAAT)
- Wisconsin State Statutes



Police Policy Review

#8CANTWAIT: Duty to Intervene

Law enforcement agencies should require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.

WWPD policy dictates that officers must intervene and take necessary action to report any improper incident, including displays of excessive force, and contact a supervisor.



Police Policy Review

#8CANTWAIT: Ban Shooting at Moving Vehicles

The practice of shooting at moving vehicles has been shown to be ineffective. Doing so jeopardizes the safety of citizens.

WWPD policy prohibits the practice of shooting at a moving vehicle except under the following extenuating circumstances:

- When the police officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury.
- To protect the police officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.
- To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose an immediate threat to human life should escape occur.
- When "Greater Danger" theory applies, firearms will not be discharged, nor other deadly force used, when it appears likely that an innocent person might be injured, unless the probability exists that a greater danger is posed by the suspect's continued actions toward the officer or other persons.

It is important to also note that a vehicle can be considered a deadly force weapon based on the manner in which it is being used.



Police Policy Review

#8CANTWAIT: Require Use of Force Continuum

Develop a use of force continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.

WWPD trains officers in the use of force as outlined in the State of Wisconsin Training and Standards Disturbance Resolution Model which outlines a continuum for use of force and requires the exhaustion of all other viable alternatives before using deadly force.



Police Policy Review

#8CANTWAIT: Comprehensive Reporting

Require officers to report each time they use force or threaten to use force against civilians.

WWPD requires officers to complete a report following the use of force or the threat of the use of force occurs. This report is reviewed first by the immediate supervisor, then by the defensive and arrest tactics (DAAT) instructor, then by the captain, and finally by the deputy chief or chief of police. In each case, the review is completed to assess whether the use of force or threat of use of force was justified and appropriate for the situation.



Police Policy Review

#8CANTWAIT: Exhaust Alternatives Before Shooting

Require officers to exhaust all other reasonable means before resorting to deadly force.

WWPD officers are trained on preclusion, meaning they are trained in the State of Wisconsin Disturbance Resolution Model in the DAAT system. This model dictates the duty to exhaust all other viable alternatives prior to the use of deadly force.



Police Policy Review

#8CANTWAIT: Require Warning before Shooting

Require officers to give a verbal warning, when possible, before shooting at a civilian.

WWPD officers are trained to clearly and loudly communicate with the subject(s) before the use of deadly force. Some common words and phrases include: “stop,” “drop the gun,” “drop the knife,” etc.



Police Policy Review

#8CANTWAIT: Require De-escalation

Require officers to de-escalate situations, when, possible by communicating with civilians, maintaining distance and otherwise eliminating the need to use force.

WWPD officers are required to practice de-escalation strategies in order to eliminate the need to use force. When force is required to gain control, the level of force must be reduced once control is achieved.



Police Policy Review

#8CANTWAIT: Ban Chokeholds & Strangleholds

The use of choke or strangleholds on civilians when less lethal force could be used often results in the unnecessary death or serious injuring of civilians.

WWPD policy does not authorize the use of choke or strangleholds and officers are not trained in the use of this technique. However, such a hold may be justified during a confrontation with a resistive/combatative subject in an extreme case where the only other alternative for the officer would be to use deadly force, i.e. a firearm, to protect themselves and/or another.



Committing to Racial Justice

“Resolutions and proclamations are fine and good, but people watch action.”

– *Whitewater Community Member*

Open Dialogue

Town Hall Forums

The City will conduct town hall style meetings regularly moving forward.

City Manager Reports

An update on related initiatives and communications can be shared as part of each update.



Next Actions

A Voice for Change

Update the Equal Opportunity Commission (EOC) Ordinance

This action would involve updating the EOC ordinance to reflect a standing committee with proactive responsibilities. The body could be charged with review of city policies/programs to ensure they are free of any elements contributing to systematic racism within city government. Having residents of color represented on the committee is imperative.



Next Actions

Diversity Training for All

Employee Training

HR Coordinator has been tasked with arranging cultural sensitivity and diversity training for all city employees. Training will be provided for all employees as part of this initiative.

Elected/Appointed Official Training

Staff would recommend training be provided for members of the Common Council and other committees.



Next Actions

Committee & Employee Recruitment

Update civic engagement strategies and recruitment procedures that utilize multiple forms of communication to encourage and promote civic engagement and participation among racial and ethnic minorities within the community. Additional attention to marketing and educating on the need for civic involvement would also be part of this action.

State Level Involvement

Regular Affirming with State Officials

Following an update to the EOC, make the subject of systematic change a part of all regular meetings with state officials. Produce and distribute formal petitions and resolutions as needed.

Petition State Regarding Excessive Force Investigations

Review the process for excessive force investigations and petition state officials, if necessary, to promptly address any needed changes.

Investigating Police Complaints

We currently have a very detailed review process for all citizen complaints filed against our police department. However, there may be opportunities to enhance the transparency of the complaint investigation process. Special attention would be given to procedures related to complaints of racist behavior or the use of force.



Communication

Help Fuel Positive Change

If any individual within the Whitewater community has experienced partial or unfair treatment by a police officer or other city employee, s/he is invited to reach out to one or more of the contacts below.

- Common Council Representatives
 - <https://www.whitewater-wi.gov/308/Common-Council>
- City Manager
 - cclapper@whitewater-wi.gov, (262) 473-0104
- Police Chief
 - araap@whitewater-wi.gov, (262) 473-0555



Committing to Racial Justice

Q & A Discussion & Action

ORDINANCE NO. _____
AN ORDINANCE AMENDING CHAPTER 2.44 THE EQUAL OPPORTUNITIES COMMISSION

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

SECTION 1: Whitewater Municipal Code Section 2.44 is hereby amended to read as follows:

Chapter 2.44 - EQUAL OPPORTUNITIES COMMISSION

2.44.010 MEMBERSHIP. Membership and Officers.

- (a) The Equal Opportunities Commission shall consist of seven members composed of six citizen members who shall be appointed under the procedure set forth in Whitewater Municipal Code Section 2.12.011, and one City Council member.
- (b) Initially, after passage of this Ordinance, two citizen members shall be appointed for one-year terms, two citizen members shall be appointed for two-year terms, and two citizen members shall be appointed for three-year terms. Thereafter, citizen members serve three-year terms. City Council appointed members shall serve one-year terms.
- (c) The members of the commission shall elect members to serve one-year terms as chair, vice-chair, secretary, and other officers as may be necessary, from among the membership at the first meeting of the committee each year.

2.44.020 PURPOSE.

- (a) The Commission has been created to improve the quality of life in Whitewater by the elimination of racism in the Whitewater community. The purpose of the commission is to take action, study, analyze and recommend solutions with respect to the major social, economic and cultural problems that affect people residing or working within the City, including discrimination in housing, education, employment and public accommodations and facilities on the basis of sex, race, color, sexual orientation, national origin, sex, or marital status of the person maintaining a household, lawful source of income, age or ancestry and the inciting of class, race or religious hatred and prejudice.

2.44.030 DUTIES AND POWERS. The commission shall perform the following duties and exercise the following powers:

- (a) Facilitate compliance with federal, state and local laws relating to equal opportunities in education, employment, housing and recreation through informational programs.
- (b) Examine all aspects of relations between races and ethnic groups fairly and objectively, and foster awareness, understanding and appreciation of racial and ethnic diversity in the community.

- (c) Identify problems of racism in the community and recommend solutions and positive courses of action to the general community and to the City Council and City Manager.
- (d) Recommend to the City Council and the City Manager the enactment of such ordinances or other action, including assignment of staff, as it deems necessary to insure all City residents the right to equal opportunity in housing, employment, public accommodations and education.
- (e) Initiate such public programs and studies and promote such privately sponsored programs and studies as will aid in accomplishing the commission's purposes and duties. Provide forums for dialogue on racism to improve relations.
- (f) Conduct public hearings in accordance with the ordinances of the City and the commission's rules of procedure.

2.44.040 MEETINGS.

- (a) Meetings of the commission shall be held on dates determined by the commission.
- (b) Special meetings shall be held at the location designated in the notice of the meeting. Special meetings may be called by the commission chair or by written request of 3 members.
- (c) Public notice of all meetings of the commission shall be given in accordance with the open meeting law of the State of Wisconsin.

2.44.050 OFFICERS AND DUTIES.

- (a) The Equal Opportunities Commission shall select a chair, vice-chair and secretary annually at its meeting. The chair shall preside over all meetings of the commission. The vice-chair shall preside over the meetings in the chair's absence. In the absence of both the chair and vice-chair, a chair pro tem shall be chosen from those present and shall preside. The secretary shall record the minutes of each meeting and shall transmit a written copy of the minutes and the records of the commission to the City Clerk. The City Clerk shall be the custodian of the records of the commission.

2.44.060 QUORUM.

- (a) Four voting members shall constitute a quorum sufficient to transact business. A majority of members voting may adjourn any meeting.

2.44.070 VOTING.

- (a) A majority vote shall be necessary to adopt any motion, resolution, or other proposed action, except where a greater number is required by law.

2.44.080 RULES OF PROCEDURE AND BY-LAWS.

- (a) A copy of the commission's approved by-laws and rules of procedure, if any, shall be filed with the City Clerk.

2.44.090 INSPECTION OF RECORDS.

- (a) Records of the commission shall be available for public inspection, unless exempt from disclosure under the Wisconsin Public Records Law.

2.44.010 COMPENSATION.

- (a) All members shall serve without compensation.

2.44.011 SUBCOMMITTEES.

- (a) The commission chair may appoint standing or temporary subcommittees, subject to confirmation by the commission. Temporary committees shall dissolve no later than 6 months after their creation, unless their term is extended by an affirmative vote of the majority of the commission. Extensions may be granted in increments of 6 months or less.
- (b) Members of subcommittees need not be members of the commission.
- (c) Public notice of all subcommittee meetings shall be given in accordance with the Wisconsin Open Meetings Law.

SECTION 2: This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:
 NOES:
 ABSENT:
 ADOPTED:

 Cameron Clapper, City Manager

 Michele R. Smith, City Clerk



Council Agenda Item

Meeting Date:	August 4, 2020
Agenda Item:	Meeting Format Discussion
Staff Contact (name, email, phone):	Cameron Clapper, cclapper@whitewater-wi.gov , 262-473-0104

BACKGROUND

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

On July 21, the common council acted to continue with virtual meetings and to clarify that other committees will meet virtually until further notice by the common council.

The city manager was directed to review meeting options and return at the August 4 meeting with an update on what/how an in-person or hybrid meeting could be accomplished moving forward.

The city manager, together with other staff members, has reviewed alternatives and will provide a detailed presentation to the common council at the meeting.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

At this time, the staff recommends continuing with virtual meetings.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

None. A presentation will be provided at the meeting on Tuesday evening.

CITY OF WHITEWATER POLICY FOR
FILLING COUNCILMEMBER POSITION VACANCIES

General: In order to provide the citizens of the City of Whitewater with appropriate representation, a uniform procedure shall be used by the Common Council to fill vacancies in the elected position of councilmember.

- Procedures: 1. Whenever a councilmember position becomes vacant under the conditions listed in Sec. 17.03, Stats., the vacancy is filled by Common Council appointment, except when a recall election is held. A councilmember shall be chosen from interested candidates residing in the affected district, or in the case of an at-large position, from interested candidates residing in the City. A person so appointed shall hold office until a successor is elected and qualified.
2. According to Sec. 17.23(1)(a):
- a) If a vacancy occurs on or before December 1, and the term does **not** expire the following April, unless otherwise ordered by the Council, a successor is chosen at the spring election.
 - b) If the vacancy occurs after December 1 preceding the first Tuesday in April, a successor is appointed and the election is held in April of the second year following the December cutoff date.
 - c) If a vacancy occurs between January 1 and May 31 of the second year of the unexpired term, Council appoints a person to fill the vacancy and has the option to order a special election concurrent with the November election.
3. At the next meeting of the Common Council after a position becomes vacant, the Council will declare the position to be vacant and may request that the City Clerk advertise the vacant position through a news release, through an advertisement in the City's official newspaper, and through any other means deemed appropriate. At this time the Council will establish a deadline for applications to be received from interested candidates. Such deadline should be at least one week prior to the meeting when candidates will be interviewed. (The Council, where authorized by the Wisconsin statutes, by a majority of those present, may, on the first Council meeting following a vacancy, elect to follow the alternative procedure of holding a special election, which election would be ordered as soon as possible, pursuant to the procedures and time frames set forth in the Wisconsin Statutes, as they are interpreted by the Government Accountability Board.
4. Applicants will be required to submit a completely filled out Letter of Interest to Serve on Common Council. This form will be available on the City website or upon request of the City Clerk. Candidates may submit reference letters. Only applications received by the published deadline will be considered.
5. Interviews are conducted in open session Common Council meetings. As with all open sessions, interested news media and public may be present throughout the entire process. No public input will be taken during the interview or voting process.
6. The candidates will be notified of the date when applications will be considered and requested to attend.

7. Each candidate will be given an opportunity to make a presentation to the Council and the Council may ask candidates questions. All candidates may be present throughout the process.
8. After the presentations have been concluded, the Council may discuss qualifications of candidates. The Council may recall individual candidates to clarify any issues previously discussed. The Council may decide not to choose a candidate at the current meeting and decide on a different process for the appointment.
9. Each councilmember votes for one candidate. Voting may be conducted by roll call or by paper ballot. If paper ballots are used, ballots must contain the name of the person voting. The individual receiving the least number of votes on the first ballot will no longer be considered a candidate and additional balloting continues using the same process until only one candidate receives a majority of votes cast. There may be additional discussion by councilmembers between each vote. A candidate must receive a majority of votes cast to be elected. An abstention by a councilmember during the voting process is not considered a vote.
10. Following the completion of balloting, the prevailing candidate shall be appointed to complete the unexpired term of office.
11. The oath of office shall be administered by the City Clerk and the responsibilities and term of office shall be assumed immediately.
12. The individual appointed may seek candidacy for the elected office.
13. This policy may be amended at any time.

Adopted 12/4/2012

NOTICE OF VACANT ALDERMANIC DISTRICT 5 COUNCIL SEAT

The Councilmember Seat for Aldermanic District 5 is currently vacant, and the Common Council of the City of Whitewater is seeking Applications for Appointment from individuals who reside in Aldermanic District 5, and who are willing to serve on the Common Council. Council meetings are held at 6:30 p.m. on the 1st and 3rd Tuesdays of each month. Occasionally there are additional meetings. Each Common Council member also serves as a representative to various Boards or Commissions. The Common Council will review Applications from applicants, and will consider appointment of an applicant to the position at their _____, 2020 council meeting. The appointment will be until _____, 2021 at which time the councilmember elected at the April __, 2021 election will take office. For those unsure of their Aldermanic District, please contact the City Clerk at 473-0102.

An application must be submitted to City Clerk Michele Smith, P.O. Box 178, Whitewater, WI 53190 by **4:30 p.m. on _____, 2020.** The Clerk can be reached by e-mail at: msmith@whitewater-wi.gov or by telephone at 262-473-0102.

Michele Smith, City Clerk

262-473-0102

Publish in:

Whitewater Register

Good Morning Advertiser

E-Mail to:

Whitewater Community Involvement Coordinator

Whitewater Banner

Post on City of Whitewater Website

Post At:

Irvin L. Young Memorial Library

City of Whitewater Municipal Building

APPLICATION FOR APPOINTMENT TO COMMON COUNCIL

Please consider this application my intent to seek City of Whitewater Common Council appointment to fill the remaining term for the position of Councilmember AD 5 (This term will expire on April ____, 2021)

Full Name: _____

Street Address: _____

City, State, Zip: _____

Phone # _____ E-Mail: _____

If appointed, I plan to run for the Councilmember AD 5 position in the April, 2021 election.
(Circle One)

Yes

No

Undecided

Employment History:

Educational Bankground:

Political Experience:

(include any elected or appointed positions or committees you have served on)

Community Service Experience:

(include volunteer work or other community activities)

Signature of Applicant: _____ Date: _____

Submit your application to the City Clerk at 312 W. Whitewater Street, Whitewater, WI 53190 or by email to msmith@whitewater-wi.gov on or before: 4:30 p.m. _____, 2020.