

City of  
**WHITewater**

**COMMON COUNCIL AGENDA**

Common Council Meeting

City of Whitewater Municipal Building – Community Room  
312 W. Whitewater St., Whitewater, WI 53190

**Tuesday, October 18, 2022 - 6:30 p.m.**

**This will be an IN PERSON and 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.**

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

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

You are invited to a Zoom webinar.

When: Oct 18, 2022 06:30 PM Central Time (US and Canada)

Topic: Common Council Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84045116418?pwd=TWs2SzB6eXR2dTJWVXR2ckpCM1RXZz09>

Passcode: 590192

**OR DIAL;**

US: +1 312 626 6799

Webinar ID: 840 4511 6418

Passcode: 590192

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

**CONSENT AGENDA:**

CA-A	Approval of Council minutes of 9/6/22 and 9/20/22.	P. 1
CA-B	Acknowledgment of Receipt and Filing of: Landmarks Commission minutes of 9/1/22.	P. 20
CA-C	Expedited Approval of the Following Items, per City Staff Recommendation: None.	n/a

**CITY MANAGER REPORT**

**STAFF REPORTS:**

**Police Department:** Presentation on Propio Communication Services  
<https://propio-ls.com/propio-over-the-phone-demo-video/>

**Parks and Recreation** – Update on Lakes Project.

**City Manager:** Update on Fire/EMS referendum.

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

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

**RESOLUTIONS:**

R-1	Authorizing update of Wisconsin Department of Transportation Functional Classification Map. (DPW Director Request).	P. 28
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**ORDINANCES: First Reading:**

O-1	Creating Chapter 7.42, Unnecessary or Preventable Calls for Emergency Services. (Police Chief Request)	P. 34
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**ORDINANCES: Second Reading:**

O-2	Creating Chapter 11.39, Operation of Golf Carts on Public Roads. (Councilmembers Majkrzak and Allen Request).	P. 37
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**CONSIDERATIONS:**

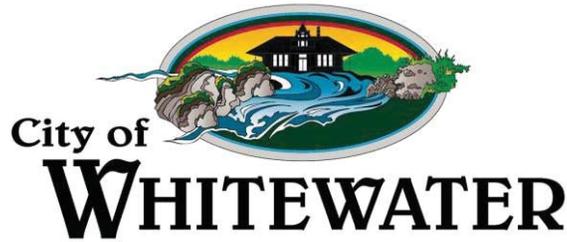
C-1	Discussion and possible direction regarding John’s Disposal Service request for a rate increase and John’s request to enter into a new, five-year garbage and recycling service contract. (DPW Director Request).	P. 38
C-2	Request for approval of contract with McEnroe Consulting Engineers of Wauwatosa, Wisconsin, to complete Starin Park water tower structural analysis. (DPW Director Request).	P. 41
C-3	Request for award of contract to RR Walton of Whitewater, Wisconsin, for Well No. 6 building upgrades. (DPW Director Request).	P. 61
C-4	Request for approval of Strand Task Order 22-13 for Bio-solids thickening planning. (DPW Director Request).	P. 73
C-5	Request for approval of Years 2023-2026 Bio-solids hauling contract. (DPW Director Request)	P. 77
C-5a	Request for authorization to publish a request for proposals to Wisconsin Municipal Lending Institutions for funding of \$304,500 for 2021-2023 capital improvement plans. (Finance Director Request)	****
C-5b	Request for authorization to renew the 2023 Ride Share (Taxi Cab) Option. (Finance Director Request)	****
C-6	Councilmember Requests for Future Agenda Items and/or POLCO questions.	n/a
C-7	<b>EXECUTIVE SESSION.</b> Adjourn to closed session, <b>NOT TO RECONVENE</b> , pursuant to Wisconsin Statutes and 19.85(1) (e) “Deliberating or negotiating the	n/a

	<p>purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” and 19.85(1)(c) “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.”</p> <p>Items to be discussed:</p> <ol style="list-style-type: none"> <li>1) Negotiation of sale of land on Bluff Road; [19.85(1)(e)]; and</li> <li>2) Negotiation of sale of 24 acres located on Enterprise Drive. [19.85(1)(e)].</li> <li>3) Review and Discussion of qualifications of City Manager applicants. [19.85(1)(c) and 19.85(1)(e).]</li> </ol>	
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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.**

**\*\*\*\*These items were added after the Agenda packet was prepared, and backup material for these items will be at the very end of the packet.**



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

September 6, 2022

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Smith. The meeting was held both virtually and in person. COUNCILMEMBERS PRESENT: McCormick, Schreiber, Allen, Smith, Majkrzak, Gerber. MEMBERS ABSENT: Brown. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Allen and seconded by Schreiber to approve the Council Minutes of 8/2/22 and 8/16/22; and to acknowledge receipt and filing of Library Board Minutes of 7/18/22; the Finance Committee Minutes of 1/25/22, 2/24/22, 4/12/22, 6/28/22, and 7/26/22; and the Landmarks Commission Minutes of 1/6/22, 2/3/22, 3/3/22, 4/7/22, 5/5/22, and 6/2/22. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak, Brown, Gerber. NOES: None. ABSENT: None.

**STAFF REPORTS.** **Interim City Manager John Weidl was introduced** by Council President Smith. Library Director Lunsford updated council on **Library fundraising efforts**, indicating that meetings with the fundraising consultant continue, with plans for developing of a campaign planning committee in the next month or so. The Library is preparing to sell the properties they have purchased, and discussion between the Community Development Authority and the Library have occurred regarding a possible sale to the CDA. **CITY MANAGER REPORT:** Interim City Manager Weidl highlighted several events and items of interest in the City, including street projects, new hires and promotions, the referendum, library programs, and parks and recreation programs.

**CITIZEN COMMENTS.** None.

**RESOLUTION REQUESTING EXEMPTION FROM WALWORTH COUNTY LIBRARY TAX.**

The annual Resolution requesting exemption from Walworth County Library tax was presented. It was moved by Allen and seconded by Schreiber to approve the request. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak, Gerber, Brown. NOES: None. ABSENT: None. APPROVED: September 6, 2022.

**RESOLUTION IN RECOGNITION OF LEAGUE OF WISCONSIN MUNICIPALITIES STAFF MEMBERS CURT WITYNSKI AND GAIL SUMI.**

**RESOLUTION IN RECOGNITION OF CURT WITYNSKI AND GAIL SUMI OF THE LEAGUE OF WISCONSIN MUNICIPALITIES**

WHEREAS, since 1987, Curt Witynski has been providing leadership, guidance, and advocacy to benefit the cities and villages of Wisconsin; and

WHEREAS, since 2011, Gail Sumi has given voice to, and enlightened and informed Wisconsin's local leaders through her direction and coordination of the League of Wisconsin Municipalities' multiple channels of communication, including editing and production of *The Municipality*; and

WHEREAS, Mr. Witynski and Ms. Sumi have been thought leaders and trusted advisors for local officials, both elected and appointed; and

WHEREAS, Curt Witynski and Gail Sumi have contributed in countless ways to the prosperity and success of local government in Wisconsin; and

WHEREAS, in addition to their tireless efforts on behalf of municipal government, Curt Witynski and Gail Sumi have been role models for thousands of local leaders; and

WHEREAS, Mr. Witynski and Ms. Sumi will be retiring from daily service to local government at the end of calendar year 2022,

NOW, THEREFORE, BE IT RESOLVED, that the City of Whitewater expresses its profound gratitude to Curt Witynski and Gail Sumi for their service; and

BE IT FINALLY RESOLVED that the City of Whitewater congratulates them both on their careers of leadership and wishes them well in future endeavors.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. ADOPTED: September 6, 2022.

John Weidl, Interim City Manager

Michele R. Smith, City Clerk

**INCREASE IN NEW MEMBERS TO THE COMMUNITY, AND OPPORTUNITIES TO CONNECT WITH THE NEW MEMBERS, AND SAFETY ISSUES.** Police Chief Meyer provided an update on the new citizens to the community. He stated that there are three areas of concern, which include traffic enforcement, communication, and living situations or overoccupancy.

With regard to traffic enforcement, Meyer believes there is a correlation between some statistical changes and the inability of the new residents to obtain driver's licenses. From January through August for 2020, 2021 and 2022, the number of calls for crashes were 78, 97, and 129 respectively. For operating without a license citations, the numbers were 66, 76, and 201 respectively.

With regard to communication issues, Chief Meyer is trying to find ways to help his staff learn Spanish in order to more effectively communicate with the new residents. The cost to the Police Department for interpretation services has cost \$382 in 2020; \$963 in 2021; and \$3,651 for 2022 to date. The Police Department is reviewing other service opportunities.

With regard to property overoccupancy problems, Meyer explained that the majority of problems occur at the Fox Meadows apartment complex. In 2020, there were 30 calls to Fox Meadows; in 2021 there were 26; and in 2022 there have been 125 to date. The City will be conducting inspections and issuing fines for noncompliance. The owner of Fox Meadows indicated that they will be installing cameras on the property, installing fob access to the apartment buildings, putting notices on vehicles that are not registered with the rental office, and begin removing tenants that are not complying with the terms of their lease.

Councilmember Allen requested a coordinated effort between the City, County and State governments to help these residents learn English. Questions were raised about the number of incidents the School Resource officer has experienced, and also how the Police Dispatchers are handling the increases. Chief Meyer responded that the largest challenges are providing services around the clock. Some services are not available beyond regular business hours. Councilmember Gerber suggested consideration of a security guard on site. In response to a question posed about the cooperation from the property owner, Chief Meyer indicated he would have to speak to the Neighborhood Services Director regarding this. Councilmember

Brown noted that there is an English as a Second language course occurring at the Whitewater Community space.

**PRESENTATION FROM REPRESENTATIVES OF TDS (TELEPHONE AND DATA SERVICES) RELATING TO INSTALLATION OF FIBER IN COMMUNITY FOR PURPOSE OF PROVIDING INTERNET, TELEVISION AND TELEPHONE SERVICES TO COMMUNITY AS ANOTHER SERVICE OPTION FOR CITY RESIDENTS.**

A representative from TDS presented an overview of the fiber installation project for Whitewater. The fiber being installed will be capable of handling upgraded hardware above ground without having to be changed. The fiber will give residents the ability to have television, internet and telephone services. The representative highlighted the communications that will be going out to residents prior to and during construction in their neighborhood. He explained that TDS will restore any grass that is dug up in the process of laying the fiber cable. Councilmember Brown asked whether there are any rural areas that TDS is laying fiber in. TDS indicated they will be adding fiber in areas of new construction in the City as those areas are developed.

The representative responded that when a resident signs up for their service, a line will be run from the network to the home. Councilmember Smith asked whether the mailers are bilingual, in light of the fact that 40% of the school district speaks Spanish. The representative stated that they do have bilingual mailers that can be used.

**PRESENTATION ON RECREATIONAL FIRE REGULATIONS IN COMMUNITY, AND ITS EFFECT ON B-2 DISTRICT.** Neighborhood Services Director Bennett said that a local business, Grunzolio Pizzeria, has expressed concerns about smoke from an area recreational fire entering his restaurant business, causing smoke smell to be in his dining room. Bennett explained that the City cannot prohibit recreational fires, as the municipal code does allow them. Bennett stated that the City did send letters to the two property owners with homes to the west of the restaurant, asking those property owners to refrain from recreational fires until after 8:00 p.m. One property owner was amenable to the request, but Bennett has not heard from the second property owner.

Bennett indicated he viewed the two properties, but he saw no indication of burn areas in either of the back yards of the properties. Bennett explained that a burn ban in the B-2 District would negatively affect some community events. Bennett indicated that he cannot verify where the smoke is coming from.

Councilmember McCormick stated that she walked down the alley and she agreed the first two houses had no indication of burning, but the *third* house had a substantial burn area in the backyard.

Councilmember Allen stated that he believes Neighborhood Services should reach out to the third house in an attempt to solve the problem. Assistant Fire Chief Dion indicated that no one has reached out to the Fire Department regarding recreational fires. Dion was not sure a complete change in the ordinance is warranted; maybe a small adjustment to prohibit fires in parking lots is needed. Dion expressed willingness to prepare a new ordinance if Council desires.

Resident Bill Bowen, 964 W Charles St, stated that he has photos of the second house with burned logs in the yard. He thinks it is an easy fix for this situation to just prohibit the fires in the B-2 District. Resident Chuck Mills, 336 S Whiton St., feels that this item is unimportant and the Council should be dealing with more important issues. Mills believes that the ordinance shouldn't be changed because of one complaint. No action was taken.

## **DISCUSSION AND POSSIBLE ACTION REGARDING EXTENSION OF ALLOWED HOURS OF OPERATION FOR BIRD SCOOTERS.**

Caitlin Goodspeed from Bird Scooter explained that current scooter availability hours are from 4:00 a.m. – 10:00 p.m. There were 144 rides attempted after hours during the month of August, with 68 of those between 10 and 11:00 pm; and with 26 of those attempts between 11 and midnight. Goodspeed would like to see the hours expanded to 4:00 am – 12:00 am.

Councilmember McCormick reported that she is still receiving complaints about the scooters being left on the sidewalks, and she would like to see this resolved. Goodspeed responded that the scooters are deployed in compliance with ADA rules, and that the issue is how the riders are leaving them after rides. Goodspeed offered that Bird can send out reminders through the app or through email regarding where to park scooters after rides.

Councilmember McCormick said that she was under the impression that customers had to take a picture of the parked scooter after riding and submit it to Bird Scooters. Goodspeed confirmed that customers are required to take a photo of the scooter, but that the photos are used more as a retroactive tool rather than proactively.

In response to questions about the number of rides sold in August, Goodspeed did not have that information, but said she would obtain it and forward it to Public Works Director Marquardt.

Councilmember McCormick asked Police Chief Meyer what the impact expanding hours would have on the police department. Chief Meyer said it would be speculation to give any figures. He indicated there have been no OWI citations. He indicated there has been an incident where a truck was damaged by a scooter, but acknowledged that most complaints do not go through the police department. Chief Meyer indicated it was his preference that hours *not* be extended.

Councilmember Schreiber stated that university students do use the scooters at night after jobs or studying late at night. Schreiber indicated that he is more comfortable with extending the hours to midnight than he would be extending the hours beyond that time. Goodspeed explained that the hours are programmed into the units, and adjustment of hours is not an issue. In response to questions about the definition of the end of the season, Goodspeed responded that it all depends on the weather, but typically that means in early November.

Councilmember Gerber stated that she agrees with Schreiber about students and second shift workers being allowed the opportunity to use the scooters later at night, and she supports extension of hours to midnight until the end of the scooter riding season. ***It was moved by Gerber to extend the operational hours of the bird scooters to midnight, on a temporary basis, until the end of the season. The hours are to be re-evaluated in the Spring. Motion was seconded by Councilmember Schreiber.***

Councilmember Allen acknowledged that while he managed on-campus restaurants, he noted that students are regularly awake until 2:00 or 3:00 a.m. Allen supports the extension of the hours. Councilmember Brown believes a trial run is worthwhile. Interim City Manager Weidl asked Police Chief Meyer for monthly complaint numbers during the Fall months. ***AYES: Schreiber, Smith, Allen, Majkrzak. Gerber, Brown. NOES: McCormick. ABSENT: None.***

**RIDE SHARE PROGRAM (TAXI CAB SERVICE).** Finance Director Hatton explained that the Wisconsin DOT-managed Ride Share Program is directed toward communities that are not large enough to have a transit system. The current City contract will be rebid at the end of 2023. Amanda Running, representative of Brown Cab Service, provided an overview of how the service works. Running explained

that the average wait time from the time of the ride request until the time picked up was 6-8 minutes. Running indicated that the first few days of each month are the busiest, as well as the hours of 7:30-9:00 a.m., 12:00-1:00 p.m. Also explained is that 3:00-4:30 p.m. are the busiest times of the day. In response to concerns raised about staffing issues, Running responded that their typical employee is a retired person or someone having a second job. Running noted that after the pandemic, those people typically did not rejoin the workforce. Allen inquired about a possible increase in wages. Running indicated that wage rates have been increased, but wages are tied to their bid rate from 2018. She noted that the bid rate will not change until it is rebid in 2023.

Councilmember Majkrzak questioned whether there was the ability to get out of the contract now, so it could be rebid. He expressed concern about waiting until the end of 2023 to be able to increase wages. Finance Director Hatton offered to contact the DOT about options. It was confirmed that a commercial driver's license is not required to drive the cab, and that Running recruits employees through newspaper ads and online advertising. It was moved by Majkrzak to direct City staff to find options to potentially rebid the contract for the Ride Share program. Allen seconded the motion. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**WALWORTH COUNTY EMERGENCY COMMUNICATIONS RADIO SYSTEM SITE IMPROVEMENT AND USE AGREEMENT.** Department of Public Works Director Marquardt indicated that staff has been working with Walworth County on an agreement for the communications tower. It was confirmed that the new emergency radio tower will be located at the City's wastewater treatment plant site. It was moved by Allen and seconded by Schreiber to approve an agreement between Walworth County and the City regarding installation of an emergency communications radio system on the City's Wastewater Treatment Plant site. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**REQUEST FOR AUTHORIZATION TO SELL UNUSED WATER SERVICE TRUCK THROUGH WISCONSIN AUCTION SERVICE.** The Water Department has replaced a 1997 Ford F150 vehicle, 139,815 miles, and will no longer need that vehicle. It was moved by Allen and seconded by Schreiber to authorize the sale of that truck through the Wisconsin Surplus Auction site. The motion was seconded by Schreiber. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**GOLF CART USE ON STREETS STATISTICS, AND DISCUSSION AND POSSIBLE DIRECTION REGARDING GOLF CART USAGE ON CITY STREETS.** Councilmember Majkrzak presented a rough draft of a proposed ordinance that would allow golf cart use on City streets. Majkrzak indicated that he is receiving a surprisingly increasing number of requests from a certain segment of the population, asking for permission to traverse the streets. McCormick expressed concern about having golf carts driven through downtown. Majkrzak confirmed that the proposal does not allow golf carts on Main Street. In response to Majkrzak's question, Chief Meyer stated that for the City as a whole, in 2021 there were six complaints regarding UTVs, with about half of those complaints referring to ATVs. Those complaints related to them being on the Street and/or driving recklessly. Allen indicated that mobility issues have driven the requests he has received. Councilmember Gerber stated that she is willing to listen, but she has several questions and concerns regarding this ordinance. She would like a clear definition on golf carts, ATVs and UTVS. Will the units be allowed on the bike paths or campus. Councilmember Majkrzak stated that he should be bringing a more complete ordinance before the Council at their 9/20/22 meeting. Councilmember Brown applauded the pursuit of finding more ways for people to get around the City. She does, however, have concerns about funding, should the need for more bike/ATV/UTV lanes need to be painted on the streets.

**REQUEST FOR APPROVAL OF UW-WHITEWATER BRANDED STREET SIGNS ON STREETS ADJACENT TO THE CAMPUS.**

John Chenoweth from UW-Whitewater indicated that it would be beneficial if the streets on and around campus could have University-branded street signs. The Council was provided with a map of locations where the street signs are proposed to be placed. The University would cover the cost of the signage. It was moved by Majkrzak and seconded by Brown to authorize installation of University-branded signs at the locations presented, and to accept the University's offer to fund the purchase. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**COUNCILMEMBER REPRESENTATIVE TO TECHNOLOGY PARK BOARD.**

Councilmember Majkrzak was previously appointed as the Council representative to the Technology Park Board, but is not able to attend the specified meeting times. John Chenoweth of UWW acknowledged that the group has discussed the possibility of changing the meeting dates/times, but as of this date, has not voted to change them. It was moved by Councilmember Allen and seconded by Councilmember Schreiber to appoint Lisa Dawsey-Smith to the Technology Park Board in place of Councilmember Majkrzak. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**DISCUSSION AND POSSIBLE DIRECTION REGARDING TIMELINE, RECRUITMENT, AND INTERVIEW PROCESS FOR HIRING NEW CITY MANAGER.**

Human Resources Manager Atkinson stated that GovHR USA, the firm hired by the Council to do recruitment for the City Manager candidates, will be setting up interviews with approximately eight candidates for the first round, and two-three candidates for the second interviews. The first interviews will occur the week of October 10. Atkinson asked for two-three volunteers to be involved in this first round of interviews, along with Finance Director Hatton, Public Works Director Marquardt, and Police Chief Meyer. Councilmembers Allen, McCormick, and Dawsey-Smith volunteered to be involved in the first round of interviews. Atkinson indicated that the full Council would be involved in the second interviews. These will occur the weeks of October 17 and 24. There will also be a separate round of interviews with the staff/directors. Atkinson asked that the Councilmembers email her any potential date conflicts for setting up the interviews.

**FUTURE AGENDA ITEMS AND/OR FUTURE POLCO QUESTIONS.**

Councilmember McCormick requested a POLCO question regarding golf carts. She was told there had already been one. Interim City Manager Weidl was asked to provide those results to the Council.

**EXECUTIVE SESSION.**

It was moved by Smith and seconded by Allen, to adjourn to closed session *TO RECONVENE* pursuant to Wisconsin Statutes and 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session" and 19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Items to be discussed: **1) Possible sale of Lot 1 of Certified Survey Map No. 4054 to Home Lumber. (Lot located near the roundabout) [19.85(1)(e)] and 2) Negotiation of agreement for additional city management/economic development services. [19.85(1)(c)].** AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None. The meeting adjourned to Closed Session at \_\_ p.m.

**RECONVENE INTO OPEN SESSION.**

**AMENDMENT OF AGREEMENT WITH GOVHR USA FOR INTERIM CITY MANAGEMENT ECONOMIC DEVELOPMENT SERVICES.**

Councilmember Allen summarized that the proposed amended contract would increase Interim City Manager Weidl's hours from 24 to 40 hours per week, at a reduced rate. The total increase in cost to the City is \$7,000. Allen moved approval of the amended contract.

Schreiber seconded the motion. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak. Gerber, Brown. NOES: None. ABSENT: None.

**ADJOURNMENT.** Being no further business to come before the meeting, it was moved by Majkrzak and seconded by Allen to adjourn the meeting. AYES: Schreiber, McCormick, Smith, Allen, Majkrzak, Gerber, Brown. NOES: None. ABSENT: None. The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Michele R. Smith, City 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.**

September 20, 2022

The regular meeting of the Common Council was called to order, both virtually and in person, at 6:30 p.m. by Council President Dawsey-Smith. MEMBERS PRESENT: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Allen and seconded by Schreiber to acknowledge receipt and filing of the Financial Reports for August 2022 and the Plan and Architectural Review Commission minutes of 7/11/22. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

**STAFF REPORTS:** Finance Director Hatton presented the timeline for the upcoming city budget. Alternate budget plans will be presented to the Council at their 9/20/22 meeting. An alternate plan is being submitted in the event the City's referendum does not pass.

**CITY MANAGER REPORT.** Interim City Manager Weidl provided an update on city activities.

**CITIZEN COMMENTS.** Resident Jeff Knight of 405 Panther Court thanked the City on behalf of the Greater Whitewater Committee for being a sponsor for the Discover Whitewater race. Jeff acknowledged the Police Department and the many city employees, students and residents who volunteered to make the race a huge success. Kevin Green of 365 Ann Street expressed serious concerns about the Lakes drawdown project and indicated that he would like to speak to someone in detail about the fact that the value of his home has been declining due to the condition of the Lake. Steve Doelder introduced himself as a local Senate District 11 candidate.

**ORDINANCE AMENDING CHAPTER 19.19, R-1S, ONE FAMILY RESIDENCE – SMALL LOTS.** Plan Commission held a public hearing on the proposed ordinance, which allows reduced square footage requirements for lots. As in any rezoning, a property owner would have to apply for a rezone and that request would come before the Common Council. Numerous concerns were raised by Councilmembers and citizens, in particular about the fact that a home as small as 800 square feet could be placed on a lot. It was noted that this 800 square foot requirement exists in the City's existing Code for homes in an R-1 District. Neighborhood Services Director Bennett indicated that there have not been permits for an 800 square foot home submitted, and it is unlikely there would be.

**FIRST READING AN ORDINANCE CREATING CHAPTER 19.19 R-1S ONE FAMILY  
RESIDENCE DISTRICT – SMALL LOTS**

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

Section 1. Whitewater Municipal Code Chapter 19.19 is hereby created to read as follows:

Chapter 19.19 - R-1S ONE-FAMILY RESIDENCE DISTRICT – SMALL LOTS

**19.19.010 - Purpose**

This district is intended to create, preserve, and enhance areas for moderate-density single-family detached dwellings at an approximate density of seven dwelling units per acre.

### **19.19.020 - Permitted uses.**

Permitted uses in the R-1S district include:

- A. One-family detached dwellings;
- B. The second or greater wireless telecommunications facility located on an alternative support structure already supporting a wireless telecommunications facility or on a pre-existing wireless telecommunications facility, with wireless telecommunications support facilities allowed as permitted accessory uses, all per the requirements of Chapter 19.55;
- C. Home occupations/professional home offices for nonretail goods and services (defined in this district as businesses that do not require customer access).
- D. A non-family household in R-1S shall be limited to three unrelated persons.

### **19.19.030 - Conditional uses.**

Conditional uses in the R-1S district include:

- A. Public and semipublic uses, to include public and private schools; churches and religious institutions; government facilities; active recreational parks; museums, hospitals, public transportation terminals, and similar uses.
- B. Planned residential developments such as townhouses, condominiums and cluster housing. In order to allow increasing the intensity of use, the plan commission may allow as a conditional use the following variations from the district requirements:
  - 1. In an approved planned residential development, each dwelling structure need not have an individual lot or parcel having the requisite size and dimensions normally required in the districts. However, the size and the entire development parcel divided by the number of dwellings shall be equal to or larger than the minimum lot area for the district where the site is located;
  - 2. The yard requirements between buildings shall be fixed by the plan commission. Building setbacks from the perimeter of the site shall comply with the front yard, rear yard and side yard requirements of the district;
  - 3. Private streets may be approved to serve uses within the site, provided that the site proposed for PD has frontage on a public street.
- C. Home occupations/professional home offices. (Subject to issuance of zoning permit.)
- D. The first wireless telecommunications facility located on an alternative support structure only, per the requirements of Chapter 19.55.
- E. Real estate sales offices, subject to the following requirements:
  - 1. May only be placed within a major subdivision with twenty or more lots;

2. Shall occupy a maximum of one building within any major subdivision;
3. Shall be a temporary use to be removed or converted to a permitted use in the district no later than ninety days from the date when ninety percent of the lots or units within the subdivision or development are initially sold or leased, or five years from the date of initial establishment of the use, whichever comes first;
4. Before a building permit is issued, a deposit or other financial guarantee ,approved by the City Manager, with a value of not less than \$2,000.00 shall be required, with such deposit or guarantee released by the city once the sales office is removed or converted to a permitted use in the district;
5. Shall not exceed seven hundred fifty square feet in floor area devoted to the sales office and related uses open to the public;
6. Shall be compatible in character, materials, placement, and design with other existing and planned buildings within the subdivision;
7. Signage shall be in accordance with standards for conditional uses in the district, per Chapter 19.54 of this Title.

F. Bed and breakfast establishments.

G. One accessory structure may be located in the front or side yard if the following requirements are met:

1. Minimum front yard setback of the accessory structure must be two feet behind the façade of the principal structure.
2. Minimum side yard setback of the accessory structure must be five feet; and align/be even with principal structure on corner lot.
3. Minimum rear setback is three feet.
4. Maximum height is 20 feet.
5. An attached garage shall comprise no more than 50 percent of the width of the ground floor façade facing the street.

**19.19.040 - Lot area.**

- A. Minimum lot area in the R-1S district is 6,000 thousand square feet.
- B. A nonconforming lot that does not meet the minimum lot area above may be considered as a buildable lot if it:
  1. Meets all other standards including Section 19.60.050.
  2. Is reviewed and approved by the city plan and architectural review commission.

**19.19.050 - Lot width.**

- A. Minimum lot width in the R-1S district is 60 feet. Minimum lot width on a corner lot is 66 feet.

**19.19.055 - Lot depth.**

- A. Minimum lot depth in the R-1S district is 100 feet.

**19.19.060 - Yard requirements/setbacks.**

Minimum yard requirements/setbacks in the R-1S district are as follows:

- A. Minimum front setback is 20 feet; maximum is 25 feet.
- B. Minimum side setback is six feet.
- C. Minimum rear setback is 20 feet.
- D. Minimum shore setback is seventy-five feet. All shoreland shall comply with Chapter 19.46, and in addition may require DNR approval.
- E. Minimum lot frontage at right of way is 30 feet.
- F. Minimum porch setback for front and side yard is 12 feet.
- G. Minimum street side setback on a corner lot is 10 feet.
- H. Minimum pavement setback, from lot line to pavement and excluding driveway entrances, is 5 feet on the side and rear yards and 10 feet from any street right of way.

**19.19.070 - Lot coverage.**

- A. Minimum dwelling unit structure area is 800 square feet.
- B. Maximum lot coverage (principal and accessory structures) in the R-1S district is 50 percent.
- C. Maximum impervious surface: The maximum impervious surface ratio is 70 percent. The percentage of impervious surface shall be calculated by taking the total surface area of the existing and proposed impervious surface and dividing it by the total lot area (note the minimum lot requirement for new lots in R-1S is 6,000 square feet).
- D. Minimum green space: 30 percent.
- E. Lots calculated over the maximum allowed impervious surface require the neighborhood service director approval of a stormwater management plan. Property owners shall work with neighborhood services to develop a practical site-specific stormwater management plan that allows for flexibility in the use of stormwater treatment devices including rain barrels, rain gardens and etc. Applicants may appeal the neighborhood services director's decision to the plan and architectural review commission.
  1. Pre-engineered lots may be developed without management plans if mitigation has been accounted for during design of the lot.
  2. The neighborhood services department and plan and architectural review commission shall consider surrounding topography when reviewing the necessary stormwater mitigation.

3. Property owners may also apply for a conditional use permit which may exempt properties from the requirement of a stormwater management plan.
- F. The principles and standards set forth in the City of Whitewater Erosion Control and Stormwater Management Requirements Policy which includes the city's stormwater management ordinance (Chapter 16.16) and the city's construction site control ordinance (Chapter 16.18), shall be used as a guide by the property owner and staff for drafting and reviewing stormwater management plans. The neighborhood services department shall develop written guidelines and policies to be used in development and review of stormwater mitigation plans.

**19.19.080 - Building height.**

- A. Maximum principal building height in the R-1S district is 35 feet.

**19.19.090 - Park fees.**

- A. All residential development shall be subject to a park acquisition fee per dwelling unit and a park improvement fee per dwelling unit, payable before a building permit is issued. The fee will be recommended by the parks and recreation board then approved by the common council. The fee will be on record at the city clerk's office. The park acquisition fee may be reduced if sufficient land area was provided for park purposes at the time of subdivision, based on the calculations in Section 18.04.030(a)(1) of the Whitewater Municipal Code.

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

Seconded by Council Member Majkrzak. AYES: Schreiber, McCormick, Brown, Majkrzak, Smith. NOES: Allen, Gerber. ABSENT: None. FIRST READING APPROVED: September 20, 2022.

John Weidl, Interim City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE AMENDING MEMBERSHIP OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION.**

**AN ORDINANCE AMENDING THE MAKE UP OF THE CITY OF WHITEWATER PLAN AND ARCHITECTURAL REVIEW COMMISSION**

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

Section 1. Whitewater Municipal Code Chapter 19, Subsection 19.06.020 is hereby amended to read as follows:

19.06.020 There is created a city plan and architectural review commission which shall consist of the chairman of the park and recreation board or designee, a councilmember, and five citizens of the city. If there is a vacancy of 30 days or more of the Park and Recreation Board's ex officio member of the commission, the City Council is authorized to appoint a citizen member to fill that vacancy. In addition, thereto, there shall be three citizen alternate members, any of which may be called upon to serve in the absence of any one of the citizen members of the commission. There shall also be one alternate councilmember who may serve as a replacement for the regular councilmember or any citizen member. All the citizen members shall be residents of Whitewater. Citizen members shall be persons of recognized experience and qualification.

The city manager and the zoning administrator shall be nonvoting ex officio members of the commission. The council member shall be elected by a two-thirds vote of the council.

Ordinance introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Brown. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. FIRST READING APPROVED: September 20, 2022.

John Weidl, Interim City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE CREATING CHAPTER 11.39, OPERATION OF GOLF CARTS ON PUBLIC ROADS.** Councilmember Majkrzak indicated that the proposed ordinance outlines opening the City for golf cart use. He noted some exceptions, namely Business Highway 12, Highway 59 and Janesville Street, which will be excluded from use due to high traffic numbers on those streets. Majkrzak mentioned a section of Fremont Street, where there is a 35 mph speed limit, which is also excluded from golf cart use. Majkrzak said that he worked with the University and they are willing to allow golf carts on the walking path along the street in that area of Fremont Street.

Councilmember McCormick questioned how many golf carts were expected to be on the Streets, and how many citizens have requested this. Majkrzak estimated there would be less than six users of golf carts on the streets. Majkrzak indicated that there are no restrictions on where golf carts can park, but when parked, golf carts must not be running and the keys must be removed. McCormick opined that this will open up a can of worms with ATVs/UTVs in the City. Majkrzak doesn't see how the two are related.

Councilmember Allen thanked Majkrzak and Attorney McDonnell for their work on this ordinance. He acknowledged that the ordinance defined golf carts, public roads, operation of use, where they can be used, and streets designated "off limits." Restrictions include the requirement of a golf cart driver having a valid drivers license, adequate brakes, steering, and tires; a rearview mirror and red reflective tape on the front and rear bumpers. Carts are allowed only on roads between the hours of sunrise and sunset; all passengers must be seated; and no children are allowed on the carts if they are at an age or size that State Law requires a child safety seat. Carts must be operated in single file close to the right hand side of the road. The driver must use hand signals, they are not permitted on sidewalks except where specifically designated. Golf carts are not allowed to be left unattended if they are running and the keys are in them. The carts must have the slow-moving vehicle emblem on the back. Allen believes most of the concerns that have been raised have been addressed in the ordinance. Allen said that there are residents with mobility issues. He doesn't foresee this being a big problem, or many golf carts on the roads. Allen said that the Council passed the UTV ordinance for Jefferson County and allows the scooters. If things change or get bad, the Council can always change the ordinance. Allen thinks this is a good starting spot to pass the ordinance tonight, and see how things go. If there is a recurring issue or an issue reported by the Police Department that needs to be changed, then it would be appropriate for Council to revisit the ordinance.

Councilmember Gerber stated that she does have questions, but does not mean that she is against the ordinance.. In doing research, Gerber found that there are low-speed vehicles and golf carts. Golf carts go 19.9 miles per hour and can't go on roads with speed limitations of 25 miles per hour ("mph") or less. Low speed vehicles travel 20 mph. Low speed vehicles also have lights, seatbelts,

a windshield, and vehicle identification numbers. She believes this is a key need for the Police Department. As the ordinance is written, the golf carts have only serial numbers, so registration would have to be done through the City. This could cause delays in getting owner information if there was an accident.

Gerber thinks the ordinance should be for low-speed vehicles. Gerber found two nearby communities that have this type of ordinance: Muskego and Greendale. Muskego allows both types of vehicles on the roads, while Greendale only allows the low speed vehicles. Gerber requested Police Department input, adding that she does not want to put additional burden on them. She fears that unless this is firmed up, she has concerns about unlicensed drivers; OWIs; and the PD attempting to write tickets without plate numbers and/or vehicle identification numbers. Gerber suggested reviewing the Muskego and Greendale ordinances, make some needed updates, and bring the ordinance proposal back before the Council in March.

Police Chief Meyer, speaking from a law enforcement perspective, responded that public safety is his concern, although he does not want to discount mobility issues of residents. Meyer indicated that his preference would be to not go forward with golf carts on the road, especially considering the increase in accidents and the increase in the number of unlicensed drivers that have been occurring this year. He sees an issue trying to issue tickets to the golf carts. He stated that as a police department they will adapt to whatever the Council decides to do. Meyer d strongly suggested being more restrictive about where they can drive. It was his understanding that residents wanted to be able to travel from Prairie Village to Fairhaven, so he would like to see use restricted to only that area. He also agreed that requiring some of the safety features on the low speed vehicles would go a long way in alleviating some safety concerns.

Majkrzak stated that he did not want to make this a difficult process to get into. It is allowed by State Statute within the City limits and that's where he started. Majkrzak agreed that ticketing is a great point, and if it became an issue, the Council could look at registering the golf carts. He stated that they will learn things once this passes and Council can return later and make adjustments if needed. . Majkrzak indicated that ATVs and UTVs don't have windshields and they are allowed. When the UTV ordinance passed, it was a trial and so far has been very successful. Majkrzak expects golf cart use to be successful as well.

Allen thought it was overreaching to require windshields and VIN numbers. He would rather see moped drivers have to wear eye protection. There are skid loaders, farm implements, and scooters on the roads, why not a few golf carts too. Allen said he would like to see the ordinance passed and if they need to come back to it they can.

Gerber stated that low speed vehicles are required to register them at the DMV, which is an advantage, so they will have a license plate and are proof of insurance – all which would aid the Police. Gerber said that she wants to be able to help the people with mobility issues, but wants to do it safely.

Resident Jerry Wendt of 622 W. Main Street said that he is on the board at Fairhaven, but not representing Fairhaven. Wendt confirmed that residents want to use the carts to travel from Fairhaven to Prairie Village. Wendt would like to be able to go on the bike path, but cannot walk that far and would use a golf cart to do it, if allowed. He would like to see the speed limit on the golf carts be limited to 10 mph, and would like to be able to use them on the sidewalks.

Resident Nancy Cooper, 1127 W Walworth Ave, stated that her husband has mobility issues and uses a golf cart to go from their house to their neighboring property/ He drives the cart on the sidewalk from one driveway to the one next door, but has discovered that it is illegal. Cooper stated that being able to use the golf cart to get to the garden adds to her husband's quality of life.

Judith Moldenhauer, 767 Burr Oak Trail, uses a golf cart to travel from her house to the community garden, and to the Prairie Village clubhouse. She bought it for her husband, who had Parkinson's disease and used a wheelchair. He could sit in the golf cart and it gave him a sense of freedom. Moldenhauer stated that they are not asking to drive them all over town, just to the senior center and those types of places. She stated that there are scooters and ATVs on the road, and many disabled students on the sidewalks. Golf carts are safer than the scooters, yet the scooters are allowed. Moldenhauer said that she thinks they should be registered, numbers could be put on them, similar to how boats have numbers. She feels there are ways to address those issues, and she thanked the Council for their consideration.

Councilmember Brown expressed that allowing this use is a necessity. Brown does not believe registration of the golf carts would be difficult.

Resident Larry Kachel, 457 S Buckingham Blvd., stated that he thinks golf carts should be prohibited on all truck routes in the City, as well as Prince Street, between Main and Starin, as parking is allowed on both sides of the street, making passing difficult. Kachel also stated that he thinks the Council may want to consider allowing the carts only during specific seasons. He believes that college students will start using them if they are legal. Kachel said that he thinks the Council should make the ordinance as tight as possible at the start, rather than coming back to it after a major accident.

Councilmember Gerber clarified that the Muskego ordinance allows both golf carts and low speed vehicles, but the golf carts are required to have the upgraded safety features.

Councilmember Smith asked Majkrzak if the permission from the University to use the walking path was in writing. Majkrzak said that it was not. Majkrzak indicated he had an in-person conversation with a University Risk Management staff member, and told that staff member that the ordinance would be worded in a manner that would allow path use as long as the University allowed that use. Smith requested that the University's permission to use the path be firmed up prior to passing the ordinance. Smith agreed with Gerber that the Council should put the safety of the residents as a priority and seeing the ordinance include low speed vehicles would be her preference. Allen moved approval of the ordinance amended to include some type of registration with the City. Majkrzak seconded motion. AYES: Schreiber, McCormick, Brown, Majkrzak, Allen. NOES: Gerber, Smith. ABSENT: None.

### **FIRST READING OF AN ORDINANCE CREATING CHAPTER 11.39 OPERATION OF GOLF CARTS ON PUBLIC ROADS**

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

SECTION 1. Whitewater Municipal Code Chapter 11.39 is hereby created to read as follows:

11.39.010 – Operation of Golf Carts on Public Roads

(a) Definitions

1. Golf Cart – The term “golf cart” means a vehicle designed and manufactured with limited speed capabilities that does not exceed 20 miles per hour on a paved, level surface that is designed and intended to convey one or more persons. Modifications to allow extra seating in the area originally designed to carry equipment are allowed.
2. Public Roads – The term “public roads” is defined as any City road, street, or highway located within the City boundaries designed to accommodate motor vehicles. State and County public roads, streets and highways are excluded.

(b) Operation and Use

1. Golf Carts may be operated upon City public roads as follows:

All City of Whitewater roads (except Business Highway 12, Highway 59 and Janesville Street) with a speed limit of 25 miles per hour or less. Golf carts may cross Business Highway 12, Highway 59 and Janesville Street at intersections.

(c) Registration

1. No golf cart may be operated on any public street within the City of Whitewater unless the golf cart has first been registered with the City of Whitewater City Clerk as required herein. The registration shall be valid for (3) three years and renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued a permit which shall be displayed in a prominent, visible place on the rear fender of the golf cart. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.
2. An application for registration shall be made to the City of Whitewater City Clerk, or his or her designee, on forms provided by the City of Whitewater. The application may, among other things, require the owner’s name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart, proof of insurance and any such other information as may be reasonably required.

(d) Restrictions

1. No persons shall operate a golf cart on the designated public roads within the City of Whitewater without a valid driver’s license issued in his or her state.
2. All golf carts operating under this Ordinance must be equipped with adequate functioning brakes, reliable and accurate steering apparatus, safe and proper tires, rearview mirror, red reflectors/or tape on front and rear bumpers.
3. Golf Carts may only be operated on designated public roads during the hours between sunrise and sunset.
4. All passengers must be seated.
5. Children are not allowed on a golf cart that is operated on public roads if by age/size they are required by state or federal regulations to be seated in child restraint equipment.

6. Golf Carts must be operated in single file and as close to the right-hand side of the street as possible.
7. The operator of a golf cart shall use hand signals when turning a golf cart on City public roads. A hand signal for a left turn shall be fully extending the arm straight out. A hand signal for a right turn shall be extending the arm out at a 90° angle upwards.
8. Golf Carts shall not be allowed on sidewalks except as required to cross them to enter or exit public roads. Golf Carts shall not be operated in areas not designated for motor vehicle use. This shall include but not be limited to public parks, public grassy areas and public walkways. This ordinance shall not prohibit golf cart operation on the University path between West Schwager Drive and Burr Oak Trail if it is allowed by the University Wisconsin Whitewater
9. No unattended Golf Cart is permitted on any public roadway while the motor is running or a key in the ignition.
10. Golf Carts must display a slow-moving vehicle emblem as required by Wis. Stat. 347.245(1).
11. Golf Cart operators are subject to all Wisconsin Statutes Chapter 346 “Rules of the Road” as applicable to automobiles. (inclusive and in particular operating under the influence of alcohol or controlled substances and/or traveling with open alcohol containers.)
12. Golf Carts may only be operated on roads where the speed limit is 25 miles per hour or less.

(e) Disclaimer and Liability

1. Disclaimer – Golf carts are not designed for nor manufactured to be operated on public streets and the City neither advocates nor endorses the golf cart as a safe means to travel on public streets, roads, and highways. The City of Whitewater shall not be liable for accidents, injuries or death involving the operation of a golf cart on public roads.
2. Assumption of Risk – Any person who owns, operates or rides upon a golf cart on a public road within the City of Whitewater does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(f) Violations

1. Violations of this ordinance shall constitute a non-criminal violation enforceable by all duly authorized law enforcement officers of the City of Whitewater.
2. Violation penalties shall be not less than \$75.00 nor more than \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.

Ordinance introduced by Councilmember Allen, who moved its adoption (with the understanding that the second reading of the ordinance include a registration requirement). Seconded by Councilmember Majkrzak. AYES: Schreiber, McCormick, Brown, Majkrzak, Allen. NOES: Gerber, Smith. NOES: None. ABSENT: None. FIRST READING APPROVED: September 20, 2022.

John Weidl, Interim City Manager

Michele R. Smith, City Clerk

**FIRST READING OF ORDINANCE DESIGNATING A TOURISM ENTITY.**

**AN ORDINANCE DESIGNATING A TOURISM ENTITY**

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

SECTION 1. Whitewater Municipal Code Chapter 3.12, Section 3.12.150 is hereby amended to read as follows:

**Tourism Entity Designation.** The Whitewater Area Chamber of Commerce (The Chamber) shall be designated the Tourism Entity charged with the responsibility to allocate room tax proceeds in support of tourism related activities consistent with statutory requirements. The net balance of the tax collected after reduction of the City's direct costs under this chapter will be forwarded to the Chamber to be spent on tourism promotion. The total room tax forwarded from the City will be a maximum of seventy percent of the net taxes collected. The Chamber will have the authority and carry out the duties set forth in Wis. Stats. § 66.0615, and as otherwise provided by law.

**Powers and Duties.** The Chamber shall be responsible for the coordination of tourism promotion and tourism development for the City and for ensuring that the room tax dollars it receives from the City per state statutes, are spent by the Chamber, or by Tourism Entities it contracts with, on Tourism Promotion and Development. The Chamber may contract with one or more other Tourism Entities as defined in § 66.0615, Wis. Stats., for Tourism Promotion services. "Tourism Promotion and Tourism Development" means any of the below activities that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a room tax may be imposed, that are owned by different persons or entities and located within the City of Whitewater, in which a tax under this section is in effect; or, if at any time the City of Whitewater has only one such establishment, reasonably likely to generate paid overnight stays, at that establishment. Tourism Promotion and Development may include, but is not limited to:

- a. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motor coach groups.
- b. Transient tourist informational services.
- c. Tangible municipal development, including a convention center.

**Records.** The Chamber shall keep a written and electronic record of its proceedings which shall include all actions taken, a copy of which shall be filed with the City Clerk.

**Reports.** The Chamber shall prepare and timely file all reports as required under the State Statutes and/or by the City, and shall report at least quarterly to the City Council the purposes for which the room tax revenue it received was spent.

**Budget.** The Chamber shall annually recommend a budget to the City.

Ordinance introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Schreiber. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. FIRST READING APPROVED: September 20, 2022.

John Weidl, Interim City Manager

Michele R. Smith, City Clerk

**MEMORANDUM OF UNDERSTANDING WITH UW-WHITewater REGARDING PARKING ON PRAIRIE AND PRINCE STREETS.** Presented for a two-year renewal was an agreement between the City and the University, giving the University authority to manage the on-street parking on Prairie and Prince Streets. The University pays the City \$45,000 annually. Councilmember Allen suggested that a price increase be considered prior to the next renewal. It was moved by Gerber and seconded by Schreiber to enter into the agreement with UWW relating to on-street parking on Prairie and Prince Streets. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

**LAW ENFORCEMENT GRANT (“LEA”) OVERVIEW AND REQUESTED EXPENDITURES.** Police Chief Meyer announced that all law enforcement agencies in Wisconsin have been awarded grant funding through the State. Whitewater’s allocation is \$44,056.04. The means to receive funds is through reimbursement. Only certain items can be submitted for reimbursement. Police Department (“PD”) supervisory staff has requested approval to purchase three ballistic shields, which will allow the PD to have enough shields to have one available in every marked squad car. These are used in high-risk situations. These were previously approved for purchase by City Manager Clapper in June of 2022 at a total cost of \$2,820. The Department has also asked to replace department badges, as many of the existing badges are bent or are chipped. Quotes were obtained, and the lowest cost submitted was \$6,536. It was moved by Allen and seconded by Schreiber to authorize the purchase / submission of reimbursement documentation for the three ballistic shields and the replacement badges, for a total cost of \$9,536. (all of which will be covered by grant funding and will be reimbursed). AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.

**COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS:** Councilmember Allen requested that the minimum size home building requirements be reviewed. Councilmember Smith requested that the 800 square foot minimum size home building requirement in the R-1 district be reviewed.

**EXECUTIVE SESSION.** It was moved by Smith and seconded by Schreiber to Adjourn to closed session, **NOT TO RECONVENE**, pursuant to Wisconsin Statutes and 19.85(1) (e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” Item to be discussed: Negotiation of agreement with Whitewater Fire Department Board. AYES: Schreiber, McCormick, Brown, Gerber, Majkrzak, Smith, Allen. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Michele R. Smith, City Clerk



## Whitewater Landmarks Commission

### MINUTES

Thursday, September 1, 2022 – 6:00 PM  
Municipal Building, Cravath Lakefront Room  
312 W Whitewater St, Whitewater, WI 53190

#### **Call to Order and Roll Call**

- Chairperson Blackmer called the meeting to order at 6:00 PM.

Present: Pat Blackmer, Ben Adamitus, Karen Coburn, Kori Oberle, Dan Richardson, Lukas Schreiber

Absent: Ken Kienbaum

Staff present: Olivia Pratt, Brad Marquardt

Others: Richard Helmick, David Saalsaa, John Seizer

#### **Approval of Agenda**

- Schreiber made a motion to approve the Agenda for this meeting, seconded by Oberle.

Ayes: Adamitus, Blackmer, Coburn, Oberle, Richardson, Schreiber

Noes: None

Abstained: None

Absent: Kienbaum

The motion passed by unanimous vote.

#### **Approval of Meeting Minutes**

- Schreiber made a motion to approve the minutes from July 7, 2022 with a second by Adamitus.

Ayes: Adamitus, Blackmer, Coburn, Oberle, Richardson, Schreiber

Noes: None

Abstained: None

Absent: Kienbaum

The motion passed by unanimous vote.

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

**Set date of next meeting** – October 6, 2022 at 6 p.m.

## **Reports**

- Update on City Manager's Plan for the Effigy Mounds Preserve and future work, discussion and possible action

Chairperson Blackmer met with interim City Manager John Weidl, who has been out to visit the mounds. The mowing that was planned was not finished. Oberle suggests inviting Weidl to walk through the preserve with Boettcher and the Landmarks Commission to explain what still needs to be done. She also reminds the Commission that the reason for clearing the brush was to bring in archaeologists to measure the boundaries of the mounds so that a path could be created in the preserve following state guidelines. Blackmer plans to call Boettcher to check on the status of the brush mowing.

- Walton Oaks Park update

The citizens' plants, mulch, and personal properties have been removed from the park land and grass has been seeded. The invasive species have been sprayed, which made it possible to see the cover vegetation. The Landmarks Commission is pleased with the progress.

- Update on Birge Fountain

Blackmer has reported to Bennett. The missing fountain parts have been secured and were stored in Bennett's office, then later given to Freeman, who will see if they'll fit back on the fountain. The missing parts were sent to Milwaukee a couple of years ago, where they were painted black with a gold metallic trim. They will now have to be repainted to match the rest of the fountain. There was an algae buildup in the lower basin of the fountain, and the upper fountain needs to be corrected. There is also a lime buildup on the fountain which could cause some plugging at the top.

## **Unfinished Business**

- Heritage Day Tour (planning for 2023 Birge Fountain 120<sup>th</sup> Anniversary)

Heritage Day 2023 is a fundraiser and the tour is a component of that event, which is being led by Carol Cartwright as the President of the Whitewater Historical Society and Pat Blackmer as Chairperson of the Landmarks Commission. The tour will focus on downtown Whitewater in 1903 and would be a horse-drawn tour if possible, or a bus tour if not, which would happen once or twice during the course of the day. The ticket is planned to be a \$20 commemorative booklet. A parade is being planned from the mill site to the fountain and would include some speeches and performances of fountain-related cultural events. Oberle questions if this is the best time for the event with all of the other current community needs and asks the other members of the Commission for guidance. They suggest dropping the fundraising portion and just hosting a birthday party for the fountain to raise recognition and awareness. It is estimated to need \$120,000 by 2027, and Heritage Day 2023 was supposed to be the kickoff for a multi-year fundraiser for the fountain.

Oberle moves to advise the planning committee of the Heritage Day event to be a simple community recognition as a 120<sup>th</sup> Birthday Party for the Birge Fountain, and encourage people to make monetary donations as a birthday present. Coburn seconds.

Ayes: Adamitus, Blackmer, Coburn, Oberle, Richardson, Schreiber

Noes: None

Abstained: None

Absent: Kienbaum

The motion passed by unanimous vote.

- Converse House, 161 Fremont Street to be nominated as a Local Landmark

Blackmer reached out to John Seizer, the owner of the Converse House, to ask him to allow the Commission to nominate his house as a Local Landmark. Seizer was thrilled and gave Blackmer all of the research that has been done on the house. The Landmarks Commission will move ahead with the landmarking of the Converse House.

- Landmark Hotel Restoration Update

Blackmer has been in contact with property owner Jason Jerman. A roofer is currently working on pricing and work would start in the Fall of 2022 if the estimate is approved. One door has been replaced on the building.

- Starin Park Water Tower Restoration (Structural Assessment)

Marquardt attended virtually to inform and update the Landmarks Commission on the progress of consulting professionals to structurally assess the Starin Park Water Tower. Marquardt sent the RFP to four consulting companies that were suggested to him by the Landmarks Commission, and has heard back from one saying they're not interested but suggested another company to Marquardt. The current schedule is that proposals are due the week of September 26 with review and then recommendation that will go to Whitewater's DPW on October 11, then to Common Council on October 18. The consulting company then has the month of November to do their analysis and draft a report due December 2, which will be reviewed by the City, and then a final report due December 30. Oberle and Blackmer will work with Marquardt to create a press release that will inform the public of the upcoming progress to help deter misinformation that is spreading online.

### **New Business**

- New Commission Member Possibilities

David Saalsaa was asked if he had any interest in joining the Landmarks Commission. He will provide a definitive answer in the near future.

- Additions to Historic City Owned Property

Blackmer will be doing future research into the history of the items.

- Educational Programming: Birge Fountain

On August 19, Oberle hosted a tour and educational program at Birge Fountain with some students that are homeschooled, sponsored by the public library. Oberle will provide another educational program on November 9 on the Effigy Mounds Preserve.

- Wisconsin Historical Society: 2022 Local History and Historic Preservation Conference

The conference is October 12-14, both virtually and in-person. If there is interest in attending, Blackmer will see if there's funding available to cover the registration fee.

### **Future Agenda Items**

- Update on City Manager's Plan, Birge Fountain Committee, and Walton Oaks Park
- Heritage Day Planning
- Starin Park Water Tower
- Landmark Hotel Restoration Update
- Wisconsin Historical Society Conference
- 8 City-Owned Landmarks
- Possible Subcommittee for Preventative Maintenance Scheduling

### **Adjournment**

- Blackmer adjourned the meeting at 7:30 p.m.

Respectfully submitted,  
Olivia Pratt, Staff Representative



**REQUEST FOR PROPOSAL**

**DEPARTMENT OF PUBLIC WORKS**

**STARIN PARK WATER TOWER STRUCTURAL ANALYSIS**

August 23, 2022



Office of Public Works  
312 W. Whitewater Street  
P.O. Box 178  
Whitewater, Wisconsin 53190

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www.whitewater-wi.gov  
Telephone: (262) 473-0139  
Fax: (262) 473-0549

## **REQUEST FOR PROPOSAL**

### **DEPARTMENT OF PUBLIC WORKS STARIN PARK WATER TOWER STRUCTURAL ANALYSIS**

The City of Whitewater is soliciting proposals from qualified structural engineering firms to perform a structural analysis and condition report on the Starin Park Water Tower. The purpose of the analysis and report is to determine the structural condition of the tower and to provide options to maintain, restore, rebuild or if the tower should be demolished, in order to help plan the City budget and determine the future of the Water Tower.

The Starin Park Water Tower was built in 1889 and is still a functioning water tower. The Water Tower is situated within the City's largest park, Starin Park, and is adjacent to the UW Whitewater campus. The masonry structure is approximately 80 feet in height and 30 feet in diameter with a steel storage tank sitting atop the structure. The capacity of the storage tank is 180,000 gallons. Interior and exterior issues include degradation of the mortar, causing pieces of the cut stone to spall and fall off, and loosening of sections of the exterior layer of stone. Tuck pointing was completed in the spring of 2022 on the worst areas of the structure's exterior surface. An iron fence surrounds the Water Tower to keep park patrons and students approximately 10 to 15 feet away from the structure.

The Starin Park Water Tower was designated as a City of Whitewater Local Landmark in December 2015. It is also known as the Witches Tower and is fabled to be haunted. The City is currently constructing a new water tower to replace the Starin Park Water Tower. Once the new water tower is operational, the Starin Park Water Tower will be taken offline and decommissioned. This is anticipated to occur by the end of 2022.

#### **Project Scope**

1. Determine the condition and deficiencies of the Starin Park Water Tower.
2. Provide options, including pros and cons, for keeping the water tower, or if it should be demolished.
3. Provide Opinion of Probable Cost for all options.
4. Provide safety measures to implement if necessary.

## **Deliverables**

1. Provide one electronic draft copy of the Report for review by City staff by December 2, 2022.
2. Provide one electronic final copy of the Report by December 30, 2022.

## **Submission of Proposals**

Proposals are due to the City of Whitewater, City Clerk (312 W. Whitewater Street, Whitewater, WI 53190) by **Friday, September 23, 2022 at 4:00 pm**. Please provide four (4) hard copies of the proposal and one electronic version. Proposal envelopes should be clearly marked "Department of Public Works – Starin Park Water Tower".

A selection committee will review the proposals and it is anticipated the results will be shared with the Public Works Committee on Tuesday, October 11, 2022 with a recommendation sent to the Common Council on Tuesday, October 18, 2022 for their approval.

As part of the Proposal, please provide the following materials:

1. The firm's name, address, contact information and the name of the primary contact person (and office location if different).
2. History and background of the firm.
3. A complete description of the work tasks to meet the outlined project scope and deliverables.
4. Three (3) examples of recent, similar projects relating to structural analysis of masonry structures.
5. Three (3) references for similar projects, including year, contact name, and phone number.
6. Resumes of key personnel, including relevant experience with the firm, and their respective responsibilities working on this project.
7. An hourly rate schedule and estimated number of hours for each of the personnel anticipated to be assigned to this project. Mileage and other ancillary costs shall be included in the final cost estimate.

## **Selection Criteria**

Proposals will be evaluated based on the following criteria:

1. Clear and concise understanding of the Project Scope.
2. Project approach.
3. Qualifications and experience of key personnel.
4. Presented similar projects.
5. Comments from References.
6. Cost.

Questions regarding the proposal should be addressed to:

Brad Marquardt  
Public Works Director  
City of Whitewater  
312 W. Whitewater Street  
Whitewater, WI 53190  
(262) 473-0139  
[bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov)

For your information, Brad will be out of the office September 12-18, 2022.



## Council Agenda Item

Meeting Date: October 18, 2022

Agenda Item: Functional Classification Map

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

### BACKGROUND

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

The City received an email from the Wisconsin DOT requesting approval of changes to the Functional Classification of some streets in the City. According to the email, classifications of roadways are typically updated every ten years following the release of decennial census data. There are 13 proposed changes in the City of Whitewater. Attached is a Table outlining the changes along with the existing and proposed Functional Classification maps.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee recommended approval of the changes to the Functional Classification Map at their October 11, 2022 meeting.

### FINANCIAL IMPACT

(If none, state N/A)

There is no immediate financial impact. However, eligibility to receive some funding from the State or Federal Governments, such as the STP Urban program, require streets to be classified as a Collector or higher.

### STAFF RECOMMENDATION

Of the proposed changes, four affect possible funding. Three changes (E. Starin Road, S. Prince Street and N. Prince Street) have the classification changing from a Local status to Collector status, making them eligible for funding. The other change (Indian Mound Parkway) is going from a Collector to Local status due to traffic volumes below Collector status and the vacant land status adjacent to the street. Staff has no issues with the proposed changes and recommends approval of the attached resolution approving the Functional Classification changes.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. DOT Email
2. Whitewater Changes
3. Existing Functional Class Map
4. Proposed Functional Class Map
5. Resolution

## Brad Marquardt

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**From:** Niedzwiecki, Mark J - DOT <mark.niedzwiecki@dot.wi.gov>  
**Sent:** Wednesday, August 31, 2022 4:19 PM  
**To:** Brad Marquardt; Michele Smith  
**Cc:** Levy, Andrew J - DOT  
**Subject:** Functional Classification Change Proposals - City of Whitewater  
**Attachments:** Existing\_Whitewater\_FCMap.pdf; Whitewater\_Change\_Table\_072822.pdf; Whitewater\_FC\_Proposal\_Map072822.pdf

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

Brad and Michele,

I would like to introduce myself. My name is Mark Niedzwiecki, and I work in the Planning Section for the Wisconsin Department of Transportation out of the Southeast Region office in Waukesha. One of my duties is to work with municipalities regarding the functional classification of their roadways. Typically, the classification of roadways is updated approximately every ten years following the release of decennial census data. Due to the new census numbers, local and regional developments, and new traffic count data, it is necessary to review the functional classification of roadways within your Urban Area.

To assist our discussions, I have attached the existing functional classification map, and also a map and table that summarizes the changes that WisDOT is proposing for your municipality. There is also [Supplemental Documentation](#) available here. It appears there are 13 proposed changes for the City of Whitewater.

I would be happy to meet with you to explain and discuss any of the changes and address any concerns you may have. The final step would be to obtain a resolution from the City that approves the changes as proposed in the table document. We ask specifically for the resolution to approve the table because when the map is finally submitted to the Federal Highway Administration (FHWA), it does not include all of the annotations and such, so we would have to request a second resolution if the first resolution approved the map. Please feel free to give me a call or email if you have any questions or if you would like to schedule a meeting to discuss these proposals further.

*Mark Niedzwiecki*

Pronouns: he/him/his

Urban and Regional Planner | WisDOT, DTSD, SE Region

GIS, Jurisdictional Reassignments, Connecting Highways

D: 262-548-8700

**RECOMMENDED FUNCTIONAL CLASSIFICATION CHANGES**

WisDOT Region:	South East (SE)
County:	Milwaukee
Urbanized Area:	Whitewater
Population:	14,762

Urban Area:

**Whitewater**

Starting Mileage:					
IH	PA	MA	COL	LOC	TOTAL
	14.88	6.92	5.94	3.713	64.87

No.	Route	Limits	From		To		Reason
			uPA	uMA	uCOL	uLOC	
1	STH 89	Willis Ray Rd - USH 12	-0.22	0.22			Continuity improvement
2	S Wisconsin St / Clover Valley Rd	Willis Ray Rd - E Milwaukee St	-1.15	1.15			ADT below MA status (2200), land uses
3	W Whitewater St	S Janesville St - Milwaukee St	-0.56	0.56			ADT below PA levels (2700), reduces PA mileage %
4	CTH N	CTH U - W Schwager Dr	-0.68	0.68			ADT below PA levels (2800), reduces PA mileage %
5	Indian Mound Pkwy	W Walworth Ave - deadend		-0.63	0.63		Estimated ADT below COL status, land uses
6	CTH U	UAB border (.4 mi west of CTH D) - CTH D	-0.43	0.43			Continuity improvement, land use not enough to justify MA stub, ADTs on CTH U are very old
7	CTH D	CTH U - STH 59	-0.15	0.15			Continuity improvement, land use not enough to justify MA stub, ADTs on CTH U are very old
8	E Starin Rd	Fremont Rd - STH 59	0.78	-0.78	-0.88		New roadway, connects Fremont Rd to the industrial park at STH 59, spacing, land use (park & streets dept), connects arterials
9	E Starin Rd	N Tratt St - N Fremont St		0.88	-0.88		MA level ADT (2300), land use (UW Campus)
10	Fremont Rd	Schwager Dr - CTH U	-0.77	0.77			ADT south of Swager Dr is high enough for MA, but traffic appear to be primary south of Swager, continuity improvement, more logical end point
11	N Prairie St	W Starin Rd - W Main St	0.32	-0.32			High ADT, land use (UW Campus)
12	S Prince St	W Walworth Ave - W Main St		0.48	-0.48		Estimated ADT, land use (Elem School)
13	N Prince St	W Main St - W Starin Rd		0.31	-0.31		Estimated ADT, land use (UW Campus)
14							
15	USH 12 bypass		-5.00				Temporary note to reflect impact of bypass on UA mileage totals
16							
17							

Change:	0	-6.46	0.06	2.44	-1.04
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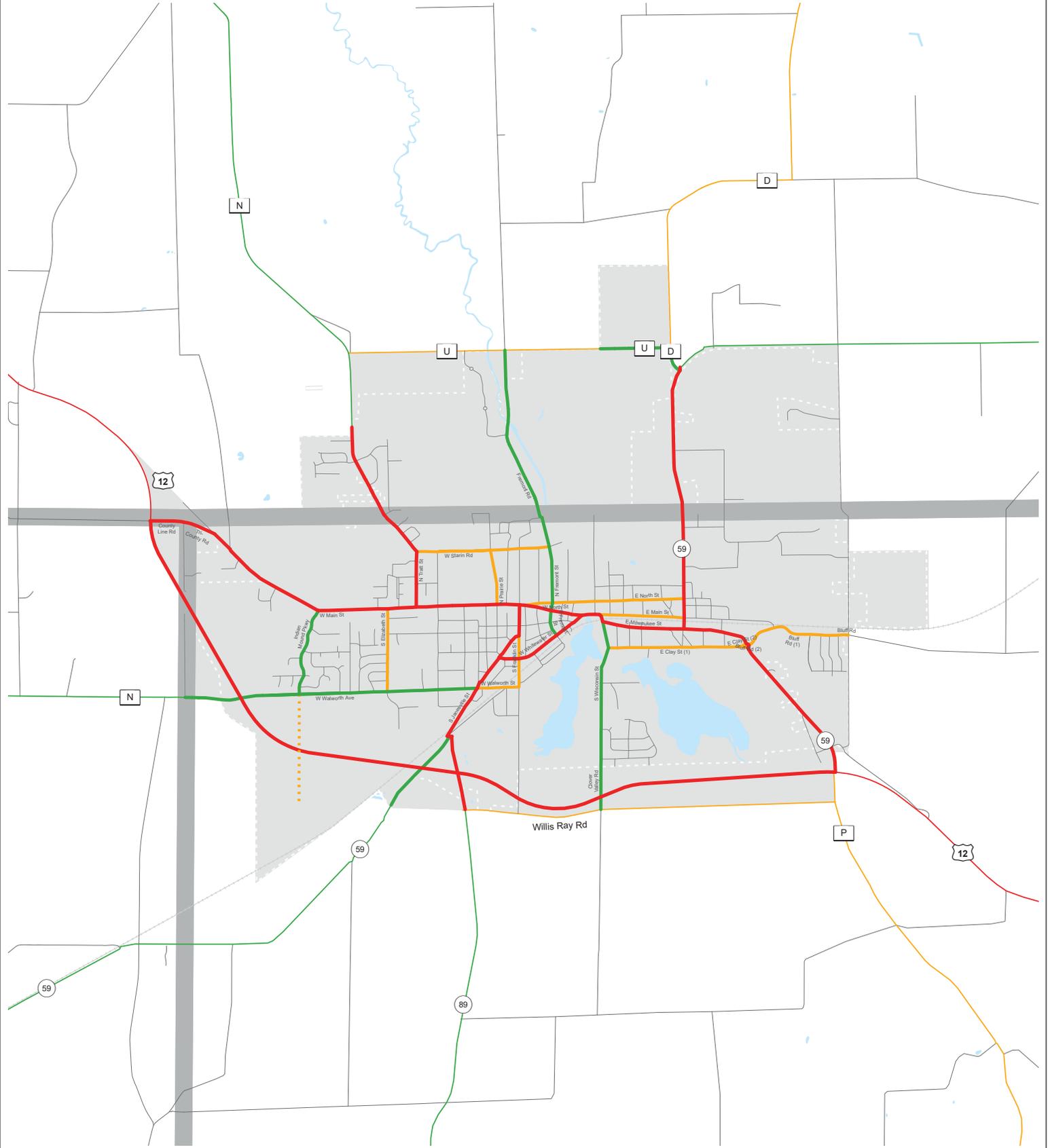
End Mileage: 59.87

End %:	0.0%	14.1%	11.7%	14.0%	60.3%
desired range	1% - 3%	4% - 11%	7% - 14%	3% - 16%	62% - 74%

# WHITEWATER

Functional Classification 01/27/2010

WHITEWATER



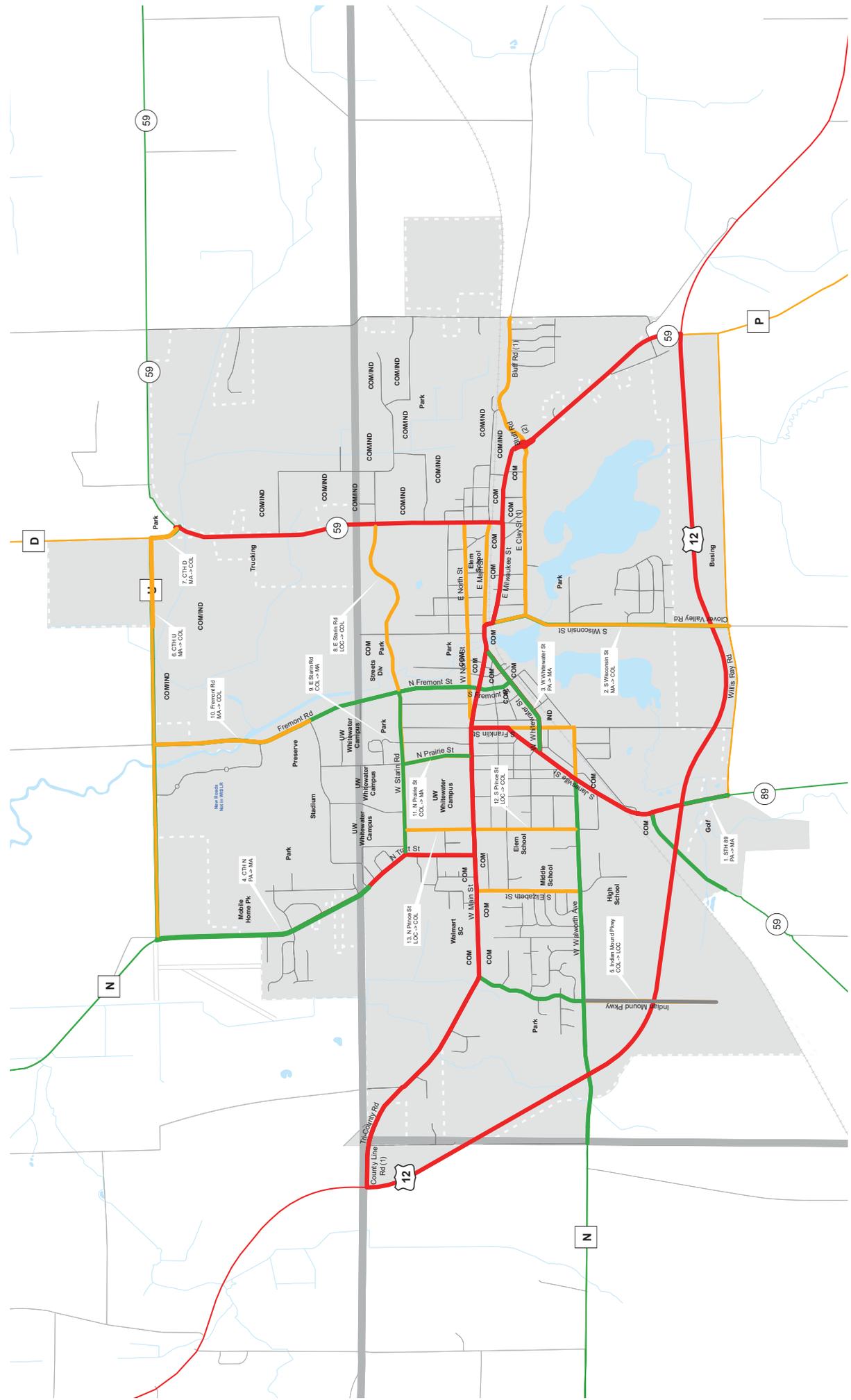
Legend	
<b>Existing</b>	<b>Planned*</b>
<span style="color: red;">—</span> Principal Arterial	<span style="color: red;">- - - - -</span> Principal Arterial
<span style="color: green;">—</span> Minor Arterial	<span style="color: green;">- - - - -</span> Minor Arterial
<span style="color: orange;">—</span> Collector	<span style="color: orange;">- - - - -</span> Collector
<span style="color: grey;">—</span> Local	<span style="color: grey;">- - - - -</span> Local
City and Village Boundary	Urbanized Area
Lakes, Rivers, Streams	Other surrounding urbanized areas
Rural Area	County Boundary
Railroads	

\* NOTE: All planned route locations are approximations only.

The information on these maps and produced from these maps was created for the official use of the Wisconsin Department of Transportation (WisDOT). Any other use, while not prohibited, is the sole responsibility of the user. WisDOT expressly disclaims all liability regarding fitness of use of the information for other than official WisDOT business.

# WHITEWATER

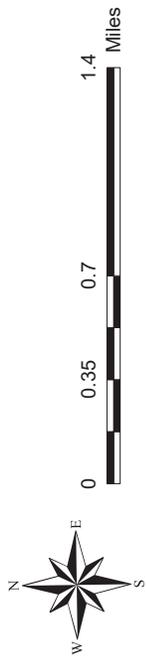
## Functional Classification - Draft



**Legend**

Existing	Planned*	Other

\*NOTE: All planned road locations are approximations only.



The information on these maps and produced from these maps was created for the official use of the Wisconsin Department of Transportation. WISDOT expressly disclaims all liability regarding fitness of use of this information for other than official WISDOT business.

WisDOT Bureau of Planning and Economic Development  
 P:\Map-Appraiser PDF Created:

**WHEREAS**, the Wisconsin Department of Transportation conducts periodic reviews and updates to the function classification system of roadways across the state of Wisconsin; and

**WHEREAS**, the Federal Highway Administration has issued guidance related to the development of functional classification of roadways; and

**WHEREAS**, the Wisconsin Department of Transportation has submitted recommended changes to the functional classification system of roadways in the City of Whitewater; and

**WHEREAS**, the changes proposed to the functional classification system of streets in the City of Whitewater are shown in the Table attached to this Resolution; and

**WHEREAS**, after review by the City Public Works Director and Public Works Committee, the proposed classification changes have been found justified,

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Whitewater, Walworth and Jefferson County, Wisconsin that the City informs the Wisconsin Department of Transportation that the roadway functional classification changes as outlined in the Table, as attached to this Resolution, are approved and that the above actions were taken by the Common Council of the City of Whitewater.

Adopted this 18<sup>th</sup> Day of October, 2022



## Council Agenda Item

Meeting Date:	10/18/2022
Agenda Item:	Unnecessary or Preventable Calls for Emergency Services Ordinance
Staff Contact (name, email, phone):	Dan Meyer <a href="mailto:dmeyer@whitewater-wi.gov">dmeyer@whitewater-wi.gov</a> 262-473-1371

### BACKGROUND

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

This ordinance is intended to address a growing number of preventable calls for service that are increasing the burden placed on emergency personnel to include law enforcement services, as well as EMS and Fire Department services.

The Police Department specifically, has noted a significant increase in calls for service at group home facilities. For instance, our department was called to one address **73** times from June 2021 through June 2022. That averages out to one call for service to that location every five days. Officers were called to another address **30** times over the same period. Many of these circumstances were preventable, and did not require a response by an officer. Our command staff met with the owner of these facilities to work through the concerns, and improvements have been noted.

The intent is not to dissuade the public from calling for emergency services. Rather, we are simply requesting to have a tool that can address the truly egregious abuses that cause undue strain on our emergency services personnel.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

N/A

### STAFF RECOMMENDATION

Consider approval.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. N/A

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE CREATING CHAPTER 7.42 UNNECESSARY OR PREVENTABLE  
CALLS FOR EMERGENCY SERVICES

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

SECTION 1. Whitewater Municipal Code Chapter 7.42 is hereby created to read as follows:

(a) Findings. The council hereby finds that the number of unnecessary or preventable calls to the City for emergency services has increased dramatically in the last several years placing a significant and unreasonable financial and administrative burden upon the emergency services provided by the City of Whitewater.

(b) Unnecessary or Preventable Calls for Emergency Services prohibited. It shall be unlawful for any person, company or organization to make unnecessary or preventable calls for emergency services. A company, organization or business shall be in violation of this chapter for unnecessary or preventable calls for emergency services made by its employees in the course of employment.

(c) Defined terms. For the purpose of this chapter:

(1) **Emergency Services** include police, fire, ambulance and emergency medical services.

(2) **Unnecessary or preventable calls for emergency services**. An unnecessary or preventable call means a call for circumstances that did not require emergency services or a request for emergency services that, through best practices, or through the experience of a previous similar call, should have been prevented from occurring. Also, any act of aiding or abetting any of the activities, behaviors or conduct enumerated in this chapter is a violation of this chapter.

(3) **Unnecessary or Preventable Calls** include, but are not limited to, the following:

- i. Calls that do not require emergency services.
- ii. Repeated calls that display a pattern indicating the home/care employee skill levels and capabilities do not align with the special needs of the residents.
- iii. Fire alarms caused by unattended, burned food.
- iv. Fire alarms caused by detectors that have not been maintained.
- v. Fire alarms caused by excessive dust or a similar non-combustible trigger.
- vi. 911 misdial/hang up calls.

- vii. Runaway, elopement or missing resident calls.
- viii. Lift assist calls not caused by a fall.

(d) Penalties for Violation. Any person violating any provision of this chapter shall be subject to a penalty of not less than one hundred dollars nor more than three hundred dollars for a first offense; not less than three hundred dollars nor more than five hundred fifty dollars for a second offense within one year; and not less than five hundred dollars nor more than seven hundred dollars for a third or subsequent offense within one year.

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ADOPTED:

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

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

ORDINANCE FOR GOLF CART USE IN CITY STILL BEING PREPARED



## Council Agenda Item

Meeting Date:	October 18, 2022
Agenda Item:	Johns Disposal
Staff Contact (name, email, phone):	Brad Marquardt, <a href="mailto:bmarquardt@whitewater-wi.gov">bmarquardt@whitewater-wi.gov</a> , 262-473-0139

### BACKGROUND

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

Johns Disposal is requesting rate increases for garbage, recycling and bulk as indicated in the attached letter and noted below. According to the contract, Johns may request an annual adjustment up to the Consumer Price Index (CPI). The CPI as indicated in their letter is currently 8.6%. Johns is asking for the full adjustment. As an alternative, they are proposing a 5.2% (6.6% in letter is incorrect) rate increase for a new five year agreement.

Service	2022	2023 Proposed (8.6%)	\$ Increase	2023 Alternative (5.2%)	\$ Increase
Garbage	\$8.70	\$9.45	\$0.75	\$9.00	\$0.30
Recycling	\$3.85	\$4.18	\$0.33	\$4.15	\$0.30
Bulk	\$1.85	\$2.01	\$0.16	\$2.00	\$0.15
<b>Total</b>	<b>\$14.40</b>	<b>\$15.64</b>	<b>\$1.24</b>	<b>\$15.15</b>	<b>\$0.75</b>

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The City entered into a new Contract with Johns Disposal in 2019. It runs through December 2023. In September of 2019, Johns Disposal was approved for a recycling rate increase from \$2.59 to \$3.59 for 2020. In October 2020, Johns Disposal was approved for a recycling rate increase from \$3.59 to \$3.84 for 2021. In September 2021, Johns Disposal was approved for rate increases for garbage from \$8.29 to \$8.70, recycling from \$3.84 to \$3.85, and bulk from \$1.66 to \$1.85 for 2022.

The Public Works Committee met on October 11, 2022. After discussion, they made a recommendation to move forward with the reduced rate increase in exchange for a new five year agreement.

### FINANCIAL IMPACT

(If none, state N/A)

The City is estimating a total count of 2,750 units for the 2023 budget. The overall \$1.24 increase results in an overall increase of \$40,920 for the 2023 calendar year. An increase of \$0.75 results in an overall increase of \$24,750.

### STAFF RECOMMENDATION

Both rate increases are inline with the CPI and allowed per the contract. Staff is supportive of the Public Works Committee's recommendation to enter into a new five year agreement with Johns Disposal. Johns Disposal is local and part of the community. They have been very responsive to issues that arise and easy to work with.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. City 2023 Rates & Proposal
-



P.O. BOX 329  
 WHITEWATER, WI 53190  
 262-473-4700 • Fax: 262-473-6775  
 www.johnsdisposal.com  
 email: office@johnsdisposal.com

**DISPOSAL SERVICE, INC.**

August 29, 2022

The City of Whitewater  
 Attn: Brad Marquardt – Public Works Director  
 312 W. Whitewater St.  
 Whitewater, WI 53190

Re: 2023 Rates & Extension Proposal

Dear City Council,

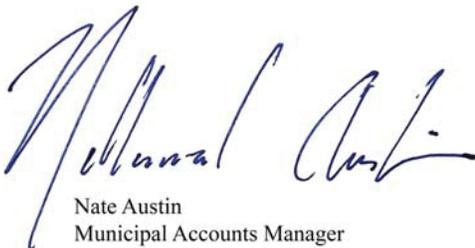
Collection in the City has operated very smoothly so far in 2022 – we have had very few resident issues to date. High volume downtown City cans are now being serviced three days per week due to the shifting population of residents in the apartments downtown. Your residents continue to take full advantage of the bulk collection program with nearly 400 tons collected in 2021! Unfortunately, the rising costs of fuel, labor, and parts are close to, if not outpacing, cost of living increases. Our management team is working diligently to provide City residents with the highest level of customer service despite these challenges. CPI is currently 8.6%. We are requesting an 8.6% cost of living increase as outlined in the table below:

SERVICE	2022	2023 NO EXTENSION	\$ INCREASE	2023 W/ EXTENSION	\$ INCREASE
GARBAGE	\$8.70	\$9.45	\$0.75	\$9.00	\$0.30
RECYCLE	\$3.85	\$4.18	\$0.33	\$4.15	\$0.30
BULK	\$1.85	\$2.01	\$0.16	\$2.00	\$0.15
<b>TOTAL</b>	<b>\$14.40</b>	<b>\$15.64</b>	<b>\$1.24</b>	<b>\$15.15</b>	<b>\$0.75</b>

We are entering into the final year of our contract. If the City has been pleased with the service we are providing, we are willing to reduce our request to 6.6% in exchange for a new five-year agreement. The new proposed agreement would be for the same level of service that your residents currently receive.

Please do not hesitate to reach out to me directly at 262-473-4700 ext. 224 if you have any questions about this proposal or would like to schedule a meeting.

Sincerely,



Nate Austin  
 Municipal Accounts Manager

PRINTED ON RECYCLED PAPER

**Residential • Commercial • Industrial • Recycling • Refuse Disposal**



## Council Agenda Item

Meeting Date: October 18, 2022

Agenda Item: Starin Park Proposal

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

### BACKGROUND

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

The City recently brought the new Southwest Elevated Water Tower online and in the near future will be taking the Starin Park Water Tower out of service. There has been recent discussion on what will happen with the Starin Park Water Tower once it is no longer being used as a water tower. It was requested by the Landmarks Commission to find out the condition of the water tower before any decisions are made. To determine the structural condition of the masonry portion of the tower, staff sent out a Request for Proposal to a number of structural engineering firms. Only one proposal was received from McEnroe Consulting Engineers (MCE).

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In July 2022, the Landmarks Commission asked Council to contract a structural engineering firm to determine the structural condition of the masonry tower. In August 2022, the Council authorized staff to obtain proposals from structural engineering firms and bring back for final approval. The Public Works Committee at their October 11, 2022 meeting recommended to enter into a contract with MCE.

### FINANCIAL IMPACT

(If none, state N/A)

MCE's fee is estimated at \$13,990 with an alternative for an additional \$4,460 for LIDAR scanning of the interior. Monies to pay for this analysis would come from the Water Utility's account 610-61923-210, Professional Services.

### STAFF RECOMMENDATION

Staff had estimated between \$15,000 and \$20,000 for the cost of the study. Based on this and the reference checks, staff recommends awarding the Starin Park Structural Analysis to MCE at a cost not to exceed \$18,450 and allow staff to work with MCE to determine how important and beneficial the LIDAR scanning is to the overall structural analysis.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Landmarks Commission Request
2. Starin Park Water Tower RFP
3. McEnroe Consulting Engineers Proposal
4. Reference Check

July 24, 2022

Cameron Clapper, City Manager  
Whitewater Common Council Members  
City of Whitewater  
302 W. Whitewater Street  
Whitewater, WI 53190

Dear Cameron and Members of the Common Council,

On behalf of Whitewater's Landmarks Commission, I am writing to urge you to add an item to the **agenda for the council meeting on August 2, 2022: Starin Park Water Tower (Local Landmark) structural viability & public protection around its proximity.**

This agenda item should specifically address:

- 1) Contracting with a structural engineer (not a masonry restorationist & with more than street/sidewalk expertise) to determine the immediacy of the tower's collapse, and whether it is a candidate for restoration/rebuilding (request a structural condition report);
- 2) Erecting a temporary fence surrounding the structure, at a suitable distance from the structure, to protect public from harm should the tower fall.

These two issues are recommended due to recent advice provided to you by Kyle O'Brien of Cornerstone Restoration, which indicates the water tower is in immediate risk of collapsing, as well as an earlier report, some six or so years ago, concerning the tower's structural viability (author unknown).

Until it is known whether this structure can be saved, it is a lower priority to provide potential funding sources. Instead, here is a list of potential structural engineers to contact.

AR Engineering, aremke.com 414-600-0683 Milwaukee, WI

Spire Engineering, spireengineer.com 414-278-9200 Milwaukee, WI

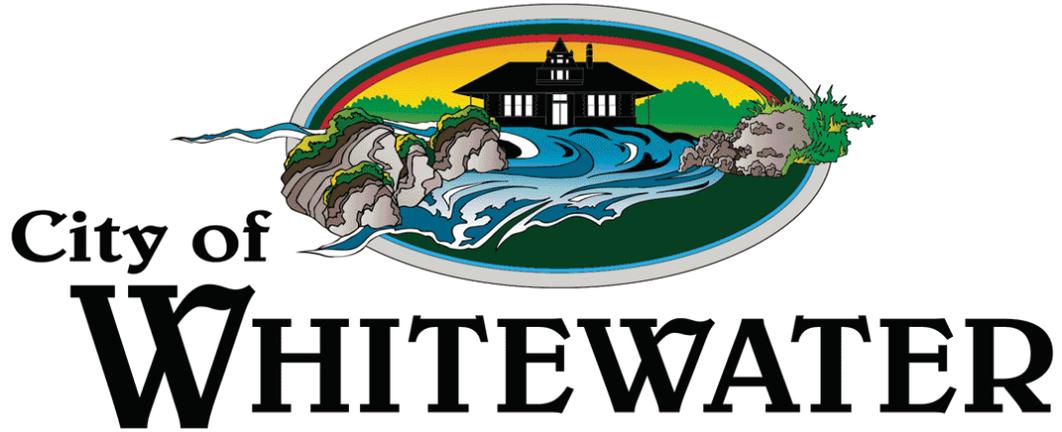
Jendus Design & Engineering Inc, jendus.com 262-369-0700 Hartland, WI

Cold Spring Design LLC, coldspringdesign.net 920-568-9530 Fort Atkinson, WI

We know that you all share our concerns here. Again, this is a matter of immediacy and must be addressed as soon as possible!

Sincerely,

Pat Blackmer, Chairman  
Whitewater Landmarks Commission  
Ref: Ordinance Title 17: Landmark Commission, Section 17.08.040: #9: Powers and Duties

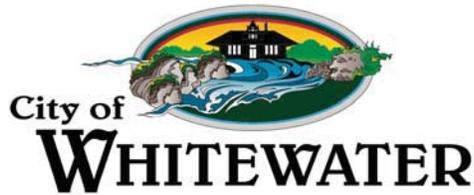


**REQUEST FOR PROPOSAL**

**DEPARTMENT OF PUBLIC WORKS  
STARIN PARK WATER TOWER STRUCTURAL ANALYSIS**



August 29, 2022



Office of Public Works  
312 W. Whitewater Street  
P.O. Box 178  
Whitewater, Wisconsin 53190

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[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0139  
Fax: (262) 473-0549

## **REQUEST FOR PROPOSAL**

### **DEPARTMENT OF PUBLIC WORKS STARIN PARK WATER TOWER STRUCTURAL ANALYSIS**

The City of Whitewater is soliciting proposals from qualified structural engineering firms to perform a structural analysis and condition report on the Starin Park Water Tower. The purpose of the analysis and report is to determine the structural condition of the tower and to provide options to maintain, restore, rebuild or if the tower should be demolished, in order to help the City budget for, and determine the future of the Water Tower.

The Starin Park Water Tower was built in 1889 and is still a functioning water tower. The Water Tower is situated within the City's largest park, Starin Park, and is adjacent to the UW Whitewater campus. The masonry structure is approximately 80 feet in height and 30 feet in diameter with a steel storage tank sitting atop the structure. The capacity of the storage tank is 180,000 gallons. Interior and exterior issues include degradation of the mortar, causing pieces of the cut stone to spall and fall off, and loosening of sections of the exterior layer of stone. Tuck pointing was completed in the spring of 2022 on the worst areas of the structure's exterior surface. An iron fence surrounds the Water Tower to keep park patrons and students approximately 10 to 15 feet away from the structure.

The Starin Park Water Tower was designated as a City of Whitewater Local Landmark in December 2015. It is also known as the Witches Tower and is fabled to be haunted. The City is currently constructing a new water tower to replace the Starin Park Water Tower. Once the new water tower is operational, the Starin Park Water Tower will be taken offline and decommissioned. This is anticipated to occur by the end of 2022.

#### **Project Scope**

1. Determine the structural condition and deficiencies of the Starin Park Water Tower.
2. Provide options, including pros and cons, for maintaining the water tower, or if it should be demolished.
3. Provide Opinion of Probable Cost for all options.
4. Provide safety measures to implement if necessary.

## **Deliverables**

1. Provide one electronic draft copy of the Report for review by City staff by December 2, 2022.
2. Provide one electronic final copy of the Report by December 30, 2022.

## **Submission of Proposals**

Proposals are due to the City of Whitewater, City Clerk (312 W. Whitewater Street, Whitewater, WI 53190) by **Friday, September 23, 2022 at 4:00 pm**. Please provide four (4) hard copies of the proposal and one electronic version. Proposal envelopes should be clearly marked “Department of Public Works – Starin Park Water Tower”.

A selection committee will review the proposals and it is anticipated the results will be shared with the Public Works Committee on Tuesday, October 11, 2022 with a recommendation sent to the Common Council on Tuesday, October 18, 2022 for their approval.

As part of the Proposal, please provide the following materials:

1. The firm’s name, address, contact information and the name of the primary contact person (and office location if different).
2. History and background of the firm.
3. A complete description of the work tasks to meet the outlined project scope and deliverables.
4. Three (3) examples of recent, similar projects relating to structural analysis of masonry structures.
5. Three (3) references for similar projects, including year, contact name, and phone number.
6. Resumes of key personnel, including relevant experience with the firm, and their respective responsibilities working on this project.
7. Cost Estimate based on an hourly rate schedule and estimated number of hours for each of the personnel anticipated to be assigned to this project. Mileage and other ancillary costs shall be included in the final cost estimate.

## **Selection Criteria**

Proposals will be evaluated based on the following criteria:

1. Clear and concise understanding of the Project Scope.
2. Project approach.
3. Qualifications and experience of key personnel.
4. Presented similar projects.
5. Comments from References.
6. Cost.

Questions regarding the proposal should be addressed to:

Brad Marquardt  
Public Works Director  
City of Whitewater  
312 W. Whitewater Street  
Whitewater, WI 53190  
(262) 473-0139  
[bmarquardt@whitewater-wi.gov](mailto:bmarquardt@whitewater-wi.gov)

For your information, Brad will be out of the office September 12-18, 2022.

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# Proposal for Starin Park Water Tower Structural Analysis

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Prepared for:  
City of Whitewater  
Department of Public Works

Presented by:  
McEnroe Consulting Engineers, LLC  
7251 W. North Ave. Suite 1  
Wauwatosa, WI 53213  
414-429-4116  
eileen@mcenroe-eng.com



**McEnroe  
Consulting  
Engineers**

September 23, 2022

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## Table of Contents

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1. Letter of Introduction (1 page)
2. Firm Profiles (2 pages)
3. Project Approach (1 page)
4. Sample Projects with References (3 pages)
5. Resumes (3 pages)
6. Cost Breakdown (1 page)

September 23, 2022

Mr. Brad Marquardt  
Public Works Director  
City of Whitewater  
312 W. Whitewater Street  
Whitewater, WI 53190

**RE: Proposal for Starin Water Tower Structural Analysis**

Dear Mr. Marquardt,

Thank you for the opportunity to provide this proposal for the Starin Water Tower Structural Analysis. This water tower is a unique feature of this area and planning for its future is important. We have worked a lot with public entities and understand the balance between being a good steward to facilities and being a good steward to public finances. The analysis and study that has been requested through this RFP will provide information to guide good decisions.

McEnroe Consulting Engineers will be partnering with Building Envelope Consulting Group to provide a UAV photogrammetry scan of the water tower. This will allow visual access to the upper portions of the tower that cannot be seen from the ground. At the same time, it will provide a 3D computer model that can be used by the City and other stakeholders to view the exterior of the structure in the future during this project and in the future.

I will personally perform all other functions of project leadership, assessment, and engineering. My nearly 25 years of experience in structural engineering focused on existing buildings is a perfect match to the scope of work that is needed for this project.

Thank you again for this opportunity!

**McEnroe Consulting Engineers LLC**



Eileen McEnroe Hanks, P.E.



McEnroe Consulting Engineers LLC was formed in 2019 to specialize in structural engineering services with a focus on existing buildings including renovations, investigation, assessment, and repair.

We work with building owners, property managers, architects, engineers, and contractors throughout Southeastern Wisconsin. With more than 20 years of experience specializing in older structures, we use out-of-the-box approaches that promote the integrity and beauty of commercial, institutional, and residential properties.



Our commercial offerings include:

- Structural Renovation, Evaluation and Repair
- Structural Restoration and Preservation
- Property Condition Assessments
- Feasibility Studies
- Forensic Engineering
- Façade Inspections and Repairs
- Capital Planning Assistance





## Building Envelope Professionals Group, LLC

Madison, WI • Milwaukee, WI • Chicago, IL  
(608) 291-2550  
[www.buildingenvelopeconsult.com](http://www.buildingenvelopeconsult.com)

Founded in January 2017, Building Envelope Professionals Groups, LLC provides building assessment and repair/restoration planning and implementation. We specialize in both new and existing construction, providing consulting services to ensure building elements are designed and/or installed in order to ensure the best weather-tight and thermally performing building envelope possible.

While primarily practicing in the upper Midwest (Wisconsin, Illinois, Minnesota, and Iowa), BEPG currently has contracts and agreements with clients covering all 50 states. BEPG routinely services government / municipal, institutional, schools, office, commercial/industrial, worship, historical, multi-family, and retail clients.

BEPG provides a range of services to assist our clients to test, diagnose, and fix building issues. Our industry experts specialize in forensic analysis, diagnosis, and exterior repair/restoration and are experienced in all elements of the building envelope.

Our services include:

- Full building condition assessment, forensic analysis, and asset management services
- Rehabilitation design, bidding, and construction administration support
- Architectural Design services
- Historic Preservation services, including historic research, material assessment, preservation planning, and adaptive re-use design
- New construction field testing and quality assurance services
- Leak diagnosis, recommendations, support
- Design peer review and consultation
- 3D laser scanning
- Re-cladding, over-cladding feasibility assessment and design services
- Asset management, pre-purchase inspections, and related real estate support
- Third-party opinion, expert witness, and insurance support services
- Third-party design / peer review
- Continuous and part-time construction observation
- Building Enclosure Commissioning (BECx)



## Project Goals

The purpose of this project is to guide decisions regarding the future of the water tower. Starting with a good condition assessment is critical to making informed decisions. The scope of work described here is a balance between gathering important information while not spending money over-analyzing the engineering aspects of the structure during this phase of work. These are the primary goals for this scope of work:

1. Gather information about the current physical condition of the water tower, with a particular focus on the masonry.
2. Determine the structural ramifications of removing the weight of water from the tank.
3. Use those pieces of information to identify the major potential issues with the structure moving forward. This will guide us to a few potential paths forward for the structure.
4. Determine rough order of magnitude construction costs to aid in decision-making.

## Structural Condition Assessment

We will review any documentation that is available regarding previous inspections on the structure. Then McEnroe Consulting Engineers will visit the site to perform a visual assessment of the structure. This assessment will include an exterior review from the ground using binoculars and an interior review from the ground and from the interior ladder. We have not included any confined space entry within the steel water tank.

Building Envelope Consultants Group will fly a UAV around the exterior of the structure and use photogrammetry to document the exterior condition. The 3D photomesh that is produced can be used to assess the condition of the masonry and steel at angles not visible from the ground. It can also be used to gather rough dimensions of the structure. This 3D photogrammetry model will be provided to the City and stakeholders to view the tower and its conditions.

The interior of the tower cannot be scanned using the same method; however, it could be scanned using LIDAR technology. That information could be stitched together with the exterior photogrammetry information to produce a complete model of the water tower. This process is more involved and expensive than the photogrammetry model, so we have included it in our proposal as an alternative.

## Initial Structural Analysis

Removing the water from the tank could have both beneficial and detrimental effects on the water tower structure. McEnroe Consulting Engineers will perform a structural analysis of the tower to identify the potential changes to the structure. This is a high level analysis that will determine whether there are certain elements of the structure that would require a full structural analysis during a final design phase.

## Report of Potential Repair Approaches

Using the information gathered during the condition assessment and analysis, we will identify two or three potential approaches for moving forward with the water tower. These findings will be provided in a written report that describes the results of the assessment, results of the analysis and the potential approaches for the structure. The potential approaches will be discussed with their pros and cons. The report will include a rough order of magnitude estimate of construction cost for each option.

This report can be used to make decisions regarding the future of the building. Depending on the direction taken, it may also be the basis of a scope of work for the next phase of work, such as a repair and maintenance plan or construction documents.

The opinion of probable cost will be developed as part of the report. We intend to engage a contractor to provide these costs options. The scope of work being recommended will guide the specific contractor(s) who would be best for that work. Some items may also be estimated by McEnroe Consulting Engineers using RS Means or other standard cost estimating tools.

If at any time during this project, immediate safety hazards are found, we will notify the City of Whitewater at that time. If there are relatively straight forward things that can be done to prolong the life of the structure without substantial cost, we will identify those items in the final report.



**Client:**

Loft Milwaukee  
Karl Rajani  
414-581-0582  
karl@ghpwi.com

**Project Data:**

Date Completed: May 2021

This 1888 Queen Anne style building was being considered for preservation and rehabilitation. The building had been vacant for many years and openings in the roof allowed water to cause severe deterioration. The building structure was leaning significantly out of plumb.

This project included a condition assessment of the masonry and timber structure as well as an initial analysis of the building's floor capacities to determine whether it was a good candidate for rehabilitation and reuse.

McEnroe Consulting Engineers provided a conceptual approach for adding elements to stabilize the out-of-plumb primary structure.





**Client:**

Preserve LLC  
Donna Weiss  
262-617-1408  
donna@preservellc.com

**Project Data:**

Date: March 2022 – present

The Mining and Rollo Jamison Museum campus is a unique blend of history and development that currently include a decommissioned underground mine and a collection of historic American artifacts.

The museum was planning for the future by creating a preservation plan for the historic buildings on their site. The buildings, dating from 1860 to 1976, include two historic school buildings now used as museums, a hoist house used to bring material out of the mine, a mine shaft head building, and a small storage building.

McEnroe Consulting Engineers has provided structural services for this preservation plan. The work has included evaluation of the current conditions, structural analysis of key elements to determine potential future uses in the main buildings, and recommendations for preserving the buildings. The team is providing an estimated cost for the recommendations to assist in guiding the Museums in their decision making.





## Multi-Building Envelope Assessment

University of Wisconsin | Madison, Wisconsin

### Year

2020-ongoing

### Project Cost

TBD

### Services Provided

Facade Inspection and Analysis  
Aerial Drone Inspection  
Repair recommendations and detailing  
Restoration oversight

### Contact

Patrick McGowan, Architect/Managing Member  
McGowan Architecture  
(608) 235-2751

This ongoing long-term project on the University of Wisconsin-Madison campus involves the investigation, assessment, and repair of three campus buildings: Van Vleck Hall (1962), Elvehjem Museum of Art (1970), and Lathrop Hall (1910).

The University noted several building envelope issues experienced at each building, including roofing failures, window and skylight failures, masonry and cladding failures, exterior sealants and waterproofing failure, water damage, mold growth, and excessive indoor humidity and poor air quality.

BEPG was engaged by prime consultant McGowan Architecture to complete a full exterior assessment of each building, including aerial lift and drone assessments to complete the investigation scope. Following inspection, BEPG provided prioritized recommendations for repair and restoration of each structure. Upon University approval of the assessment BEPG will also provide repair details and technical specifications for the buildings' repair, as well as oversight of repair work during construction.

Eileen has a comprehensive background in structural design, assessment, investigation, and building renovation. She brings extensive specialized experience in investigative engineering and restoration of older and historic buildings. Eileen's projects have included renovations, condition assessments, reinforcing and repairs to structures of all construction types.

**Professional Registrations:**

Professional Engineer – WI, CO

**Education:**

M.S., Civil/Structural Engineering  
Georgia Institute of Technology

B.S., Civil/Structural Engineering  
University of Notre Dame

**Professional Affiliations:**

Structural Engineers Association of Wisconsin  
Association of Preservation Technology International

**Employment History:**

*Crawford & Assoc.*

3 years with buildings dating back to 1776

*Martin/Martin*

6 years as an Investigative Engineer

*GRAEF*

9 years in Existing Buildings group

*Milwaukee County*

2 years as Program Manager of  
Facility Condition Assessment Program

*McEnroe Consulting Engineers*

Firm focusing exclusively on existing building  
engineering

**Washington High School Structural Investigation, Milwaukee Public Schools:** Investigation of deteriorated concrete, interior wall cracks, and parapet movement. Prepared report providing recommendations for addressing these issues.

**Becher Court Annex Façade Repairs, Milwaukee:** Evaluation and repair of 1980 facades for Housing Authority of the City of Milwaukee. Repair work included such items as lintel replacement, flashing replacement, brick repair and tuckpointing, movement joint installation, sealant replacement, and cleaning.

**419 Vliet Historic Building Assessment, Milwaukee, WI:** Structural condition assessment of a historic Queen Anne style building. The building was in severe disrepair and being considered for restoration into a hotel.

**Mining and Rollo Jamison Museum Preservation Plan, Platteville, WI:** Structural condition assessment and historic preservation plan for five masonry and timber buildings. Buildings range in age from 1863 to mid-20<sup>th</sup> century.

**Façade Examinations, Milwaukee:** Façade examination and report to meet City of Milwaukee Façade Ordinance for the following buildings:

- MPS Lincoln Center of the Arts
- Pritzlaff Complex
- Riverfront Plaza
- Matthews Brothers Building
- 161 W. Wisconsin Ave.
- Becher Court Apartments
- 2233 N. Summit Ave.
- Marshall Building
- Landmark Building
- Chicago Street Lofts
- Riverview Lofts

**Milwaukee Public Library Façade Restoration, Milwaukee, WI:** Technical consultant for limestone restoration of this iconic and historic Milwaukee building. (with a previous firm)

**Grand Avenue Club Façade, Milwaukee, WI:** Evaluation of 1920s stone and brick building on National Historic Registry. Building façade includes ornate stone features. An assessment of the current condition and recommendations for short- and long-term repairs and maintenance were provided. (with a previous firm)

**Black Point Estate, Lake Geneva, WI:** Historic Structures Assessment and Report for 1880s historic lake house. Work included assessment of building's structural condition, recommendations for stabilization and repairs and the structural portions of the Historic Structure Report for the State of Wisconsin. (with a previous firm)

**Milwaukee River Flushing Station, Milwaukee, WI:** Provided structural investigation of cracking in the walls of the historic 1880s lakefront building. An evaluation of the cracking, research into the construction of the building, and possible repair scenarios were developed. A report of findings and recommendations was provided along with estimates of repair costs (with a previous firm)



## PERSONNEL QUALIFICATIONS

**Jenn Boelter** | Director of Virtual Modeling, Chief Pilot  
Madison, Wisconsin Office



### EDUCATION

Associates Degree, Architectural Technology  
Madison College, Madison

University of Wisconsin - Madison

### PRACTICE AREAS

- LIDAR Scanning
- Photogrammetry
- Scan to BIM

### LICENSES AND CERTIFICATIONS

- FAA UAS Pilot License
- FARO 3D Scanner Certification
- Revit Architecture Certified Professional (2017-2020)

### CONTACT

jenn@buildingenvelopeconsult.com  
(608) 556-4934  
buildingenvelopeconsult.com

### EXPERIENCE

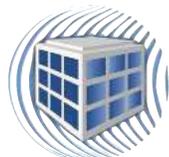
Jenn Boelter is Director of Virtual Modeling and the primary pilot for Building Envelope Professionals Group, LLC and is responsible for the management of BEPG's drone program. She is responsible for conducting 3D data acquisition and modeling, and leading the "drone to BIM" workflow. She provides laser scanning, point cloud development, and the integration of LIDAR and photogrammetry.

Jenn comes with 8 years of professional experience working for general contractors where she specialized in reality capture. She is well-versed in using LIDAR and photogrammetry to provide quality control checks, inspections, and as-built models. She has also used BIM to coordinate MEP's and generate lift drawings for the field team. Prior to this, Jenn spent 18 years as a typesetter.

### REPRESENTATIVE PROJECTS

- Elvehjem, UW Madison: Exterior masonry restoration.
- UW-Madison Housing: Roof renovation and window evaluation for multiple University buildings.
- UW Parkside, Racine, WI: Exterior masonry restoration.
- First Unitarian Church, Madison, WI: Laser scan of original truss. \*
- Epic, Verona, WI: Scanning, coordination, and lift drawings for the renovation and expansion of the campus. \*
- Lake Byllesby Dam, Dakota County, MN: Laser scan of existing conditions for renovation. \*
- Middleton High School, Middleton, WI: MEP Coordination, lift drawings, and weekly progress flights for the new additions. \*
- WE Energies Headquarters, Milwaukee, WI: Laser scan of existing building for repair and renovation. \*
- Verona High School, Verona, WI: Pre-pour concrete quality control check using LIDAR for 26 concrete pours. \*
- Madison Metro Bus Terminal, Madison, WI: Laser scan of existing space for redesign. \*

\*completed during previous employment



**Building Envelope  
Professionals Group, LLC**

Madison, WI • Milwaukee, WI • Chicago, IL



## PERSONNEL QUALIFICATIONS

**Thomas M. Gernetzke, RBEC, F-IIBEC** | Principal Consultant  
Madison, Wisconsin Office



### EDUCATION

Bachelor of Arts  
University of Wisconsin-Madison

### PRACTICE AREAS

- Building Analysis & Documentation
- Building Enclosure Assessment
- Roofing Systems repair and replacement
- Green/vegetated Roofing Systems
- Waterproofing
- Building Assessment and Material Analysis

### LICENSES AND CERTIFICATIONS

- Registered Building Envelope Consultant (IIBEC)

### PROFESSIONAL AFFILIATIONS

- Fellow, International Institute of Building Enclosure Consultants (IIBEC)
- Past President, RCI, Inc., now IIBEC
- National Roofing Contractors Association (NRCA)
- Landmarks Illinois

### CONTACT

tom@buildingenvelopeconsult.com  
(608) 291-2550

### EXPERIENCE

Thomas M. Gernetzke, RBEC, F-IIBEC is Principal Consultant for Building Envelope Professionals Group, LLC. Tom specializes in roofing and waterproofing systems and has successfully performed roofing and waterproofing assessment, analysis, design, and construction administration for rehabilitation of roofing systems, split-slab and plaza deck assemblies, green roofing systems, below-grade structures, cladding and wall systems, and parking structures. He frequently leads and participates in multi-disciplinary design and construction teams in the completion of large and complex building-envelope related rehabilitation projects. Tom also performs hygrothermal analysis, peer review, quality assurance, and related services for new construction projects.

Tom believes in giving back to the industry and does so through ongoing involvement with The International Institute of Building Enclosure Consultants (IIBEC). Prior to being elected to and serving on the RCI, Inc. (Now IIBEC) Executive Committee, Tom served as RCI Region III director and was influential in the development of four new RCI chapters. While serving on the executive committee, Tom held the position of Secretary / Treasurer, Second Vice-President and Annual Convention Committee Chairman, First Vice-President, President, and Immediate Past-President. Tom was influential in the creation of the RCI Emerging Professionals Committee and created "Operation Moonshot", RCI's initiative to involve an RCI professional member with every public-school re-roofing project in North America. He is currently serving as the chairman of the IIBEC Advocacy Committee and as the IIBEC liaison to the National Roofing Contractors Association. Tom is a member of the IIBEC Jury of Fellows.

Tom has been a roofing and building envelope consultant since 2003. Prior to his consulting career, Tom managed the low-slope roofing division for a Madison-area roofing, siding, and remodeling contractor.

### REPRESENTATIVE PROJECTS

- Immanuel Lutheran Church Exterior Envelope Upgrades - Watertown, WI: Assessment and envelope repairs and upgrades to existing church addition, including waterproofing, window replacement, and exterior recladding.
- Jefferson Police & Utility Department Building - Jefferson, WI: Rehabilitation and renovation of existing facility, including interior finish replacement, updated building systems, reroofing, and building envelope improvements and recladding.
- UW-Madison Camp Randall Fieldhouse Roof Replacement - Madison, WI: Partial clay-tile roofing replacement and internal gutter replacement of historic UW-Madison fieldhouse.
- UW-Madison Bascom Hall - Madison, WI: Partial roofing replacement and masonry assessment and restoration of historic UW-Madison administration building.
- Target Corporation - Nationwide: Building envelope consulting for facilities management to resolve issues and recommend actions for repair.
- St. Norbert's Catholic Church - Roxbury, WI: Exterior church and steeple masonry restoration and reroofing
- UW-Madison Mechanical Engineering Building - Madison, WI: Exterior masonry investigation, restoration, and building envelope repairs.



**Building Envelope  
Professionals Group, LLC**

Madison, WI • Milwaukee, WI • Chicago, IL

## Starin Park Water Tower Assessment & Analysis

City of Whitewater

Eileen M. H. Rate:  
\$160 per hour

	Hours	Fee
<b>Tasks:</b>		
<u>Condition Assessment &amp; Analysis</u>		
Review documents & prep for site work	2	\$320
Site Visit for visual assessment	8	\$1,280
Process information from field	2	\$320
Preliminary Structural Analysis	6	\$960
Communcation of preliminary results	2	\$320
 <u>Report</u>		
Identify up to 3 options	6	\$960
Report writing	12	\$1,920
Coordinate Cost Estimates	6	\$960
QC Reviews	2	\$320
Review draft with City	2	\$320
Final report	2	\$320
Project management	4	\$640
<hr/>		
<b>Sub-Consultants:</b>		
BECG 3D Photogrammetry *	--	\$2,350
Cost Estimating Allowance	--	\$3,000
<b>Sub Totals --- MCE Fees:</b>	<b>54</b>	<b>\$8,640</b>
<b>Expenses &amp; Sub-Consultants:</b>		<b>\$5,350</b>
<b>Total Fee:</b>		<b>\$13,990</b>

Alternative for LIDAR scan of interior: \$4,460

**\* BECG Fee Breakdown:**

UAV Fees, data storage charges, processing charges:	\$450
Labor for scanning - 2 people, 2 hours each	\$600
Labor for data processing and photomesh development, 8 hours	\$1,300
<hr/>	
Subtotal:	\$2,350

## Brad Marquardt

---

**From:** blackmerpa@aol.com  
**Sent:** Wednesday, October 5, 2022 8:05 PM  
**To:** Brad Marquardt  
**Cc:** k.oberle@sbcglobal.net  
**Subject:** Starin Park Water Tower

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

Hi Brad,

I was able to talk with David Desimone at Black Point Estates who directed me to Ted Crawford who is with the Wisconsin Department of Administration and responsible for restoration/renovation of the Wisconsin State Historical Society sites.

Ted indicated that he had worked with Eileen McEnroe Hankes on the Black Point restoration project. He indicated that she was thorough, provided a structural analysis and detailed report of needed restoration at the site. Her forensic engineering background was important to the project.

He indicated that she was a pleasure to work with, easily available with regard to questions, responded in a timely fashion and would be an ASSET to any project that our city wished to employ her to do. He highly recommended her!

In my opinion, we should move forward hiring her company. I would hope that we not only go with her bid of \$13,990 but include the Lidar scan of the interior of the Water Tower as well. The Lidar scan may, in fact, be the most telling assessment with regard to the structural integrity of the water tower.

Please see Kori Oberle's consult with the Rollo Jameson Museum personnel below.

Kind regards,  
Pat

Hi Pat,

I talked with Eric Flesch today. He is the director of the Mining and Rollo Jamison Museum in Platteville.

He worked very recently with Eileen as a subcontractor to another firm handling the preservation plan at the museum.

He said she was a delight to work with and had a particular ability as a forensic scientist to get at the structural deterioration and repair needs of their project. She was easy to work with and pleasant. She didn't over promise or under perform.

He had no problem recommending her highly for our needs.

Hope this helps. Thanks for forwarding this on to Brad.

Kori



## Council Agenda Item

Meeting Date: October 18, 2022

Agenda Item: Well 6 Upgrades

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

### BACKGROUND

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

The Water Utility is looking to upgrade the buildings at Well 6 located on Carriage Drive. Work includes new siding, removing some windows and installing a wider door for ease of moving equipment in and out. This project was deemed a public works project and with the estimate over \$25,000, needed to be publicly bid. Two bids were received as noted below.

<u>Company</u>	<u>Lump Sum Bid</u>	<u>Alternate Bid</u>
RR Walton & Company	\$27,500	\$3,000
Glen Fern	\$37,595	\$1,475

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee recommended awarding the Well 6 Upgrade Contract to RR Walton & Company.

### FINANCIAL IMPACT

(If none, state N/A)

\$38,500 was included in the 2022-2023 CIP Budget for the improvements to Well 6. The low bid is less than the budgeted amount.

### STAFF RECOMMENDATION

The low bid of \$27,500 (\$30,500) is below the budgeted amount of \$38,500. Staff recommends awarding the Well 6 Upgrade Contract to RR Walton & Company.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Well 6 Contract
2. Bid Summary Sheet

CITY OF WHITEWATER  
WHITEWATER, WISCONSIN  
WELL 6 BUILDING UPGRADES

The City of Whitewater, (OWNER) is requesting Bids for the construction of the following Project:

Well 6 Building Upgrades

Sealed bids for the construction of the Well 6 Building Upgrades will be received at the City of Whitewater, located at 312 West Whitewater Street, Whitewater, WI 53190, until Tuesday, October 4, 2022, at 1 P.M., local time. At that time the Bids received will be publicly opened and read aloud.

The Work includes the following: Residing of two buildings located at 1136 Carriage Street, Whitewater consisting of removing and framing in 7 existing windows, replacing 3 windows, 400 feet of fascia and soffit, 24 SQ of siding, 1 garage door and 1 entry door.

Bidding Documents may be reviewed and paper copies may be obtained from the Issuing Office which is the City of Whitewater, 312 W. Whitewater Street, Whitewater, WI 53190. Overnight mailing of Bidding Documents will not be provided.

All Bidders submitting a sealed Bid shall obtain the Bidding Documents from the City of Whitewater.

Bidders who submit a Bid must be a Plan Holder of record at the Issuing Office. Bids from Bidders who are not on the Plan Holders List may be returned as not being responsive.

The Bid must be accompanied by Bid security made payable to OWNER in an amount of 5% of the Bidder's maximum Bid price.

Plan Holders are requested to provide an e-mail address if they wish to receive addenda and other information electronically. Plan Holders are requested to designate whether they are a prime contractor, subcontractor, or supplier if they want this information posted on the project Plan Holders List.

The City of Whitewater reserves the right to reject any or all Bids, to waive any technicality, and to accept any Bid which it deems advantageous. All Bids shall remain subject to acceptance for 85 days after the time set for receiving Bids.

Contract award shall be made based on the lowest responsive and responsible Bidder.

The City of Whitewater project manager is Water Superintendent, Jim Bergner, and can be contacted at (262) 473-0560 regarding the Project.

For further requirements regarding Bid submittal, qualifications, procedures, and Contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

Published by the authority of the City of Whitewater  
Michele Smith, City Clerk

Dated at City of Whitewater, Wisconsin  
September 15, 2022 and September 22, 2022

## WELL 6 BUILDING UPGRADES

### SPECIFICATIONS

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

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

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

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

**Contract Award** – Bids will be opened on October 4, 2022 at 1:00 pm. The Bids will be reviewed by the Public Works Committee on October 11, 2022 and the Contract awarded at the October 18, 2022 Common Council meeting.

**Completion** – All work shall be completed within 30 days of starting the Project. All work shall be completed by December 30, 2022.

**Building Permit** – Contractor will be required to obtain a Building Permit from the City of Whitewater; however, the permit fee will be waived.

**Project** – The Project consists of two buildings, East Building and West Building.

**East Building:** The building is approximately 40' x 47' with a 16 foot high peak on the north and south sides. Remove and replace siding, including two vents. Remove and replace two steel doors. There is a total of 11 existing windows, all to be removed. Four windows are 85 ½ x 54 ½ inches and seven windows are 44 x 55 inches. Seven window openings to be framed and covered. Install three new windows with a rough opening of 40 x 55 ½ inches in three of the existing window locations. Locations to be decided between the contractor and OWNER. Contractor to frame opening for and install 9' x 7' garage door in location of existing 85 ½ x 54 ½ inch window on the north side of the building. Wrap existing porch posts in vinyl.

There are two chemical vent tubes that exit on the north side of the building. Contractor to work with OWNER to determine if the exit locations need to be changed.

Work performed by others includes: Removing exterior stainless-steel cabinet and electrical outlet on the north side of the building; Removal of interior items in the way of the garage door installation.

**West Building:** The building is approximately 16' x 24'. Remove and replace siding, including vents. There is only siding on the west and east sides of the building located in the peaks of the roofs. Before installing fascia and soffit, repair damaged wood and holes.

**Materials** – Below are materials to be supplied by the contractor.

Siding: Norandex Cedar Knolls (.044) Vinyl, approximately 23 SQ. Color to be decided with OWNER and dependent upon availability.

Windows: Windgate double hung with built in “J”, rough opening 40” W x 50 ½” H. Total 3.

Facia and Soffit: White in color with venting on soffit. Approximately 300 L.F.

Garage Door: 9’ W x 7’ H, insulated, no window, white in color with automatic door opener installed. Total 1.

Entry Door: 36” x 80” fire rated steel entry door with lock set and dead bolt. Total 2.

Porch Posts: Vinyl wrap, white. Approximately 2 S.F.

**Warranty** – Finished work shall be warranted against general defects of materials and workmanship for a period of one year from date of completion.

CITY OF WHITEWATER  
WELL 6 BUILDING UPGRADES  
CONTRACT

LUMP SUM BID:

\_\_\_\_\_ Dollars \$ \_\_\_\_\_  
(Words) (Numbers)

Alternate Bid:

Change 9' x 7' Garage Door to Pair of 36"x 84" steel insulated doors with an 88" overall height. Hardware to include : 1 1/2- inch pair of Butt Hinges, cylindrical lockset, flush bolt locking at inactive leaf, (2) LCN surface closer with drop plates, threshold, weather stripping and sweeps.

ALTERNATE LUMP SUM BID:

\_\_\_\_\_ Dollars \$ \_\_\_\_\_  
(Words) (Numbers)

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

Submitted by: \_\_\_\_\_ BIDDER

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

By: \_\_\_\_\_  
(Bidders Signature)

Address: \_\_\_\_\_

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

Email: \_\_\_\_\_

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

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

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

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



East Bldg South Side



East Bldg West Side



East Bldg North Side



East Bldg East Side



West Bldg West Side



West Bldg East Side

Bids Received 10/4/22  
1:00 p.m.

**PROJECT**  
Well 6 Building Upgrades

Bidder and Address	Bid Bond or Guarantee	Lump Sum Bid	Alternate Bid
RR Walton & Company LTD 1005 W. Main, Suite C Whitewater, WI 53190	Provided	\$27,500	\$3,000
Glen Fern 705 Madison St., Suite 101 Lake Geneva, WI 53147	Provided	\$37,595	\$1,475

Received by:

Michele Smith



## Council Agenda Item

Meeting Date:	October 18, 2022
Agenda Item:	Biosolids Thickening Study
Staff Contact (name, email, phone):	Tim Reel, <a href="mailto:treel@whitewater-wi.gov">treel@whitewater-wi.gov</a> , 262-473-0560 Brad Marquardt, <a href="mailto:bmarquardt@whitewater-wi.gov">bmarquardt@whitewater-wi.gov</a> , 262-473-0139

### BACKGROUND

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

The Utility currently utilizes a thickening centrifuge to process two different products. The goal of each being to remove water (reduce volume) in order to preserve hydraulic capacity in tanks and/or realize cost savings relative to biosolids disposal. Since the unit was brought online it has met performance goals. However, given our experience, the unit has exhibited large reliability issues which translate to significant operational and maintenance costs. Initially, the unit did have a standard one-year warranty. During this period, based on specific maintenance concerns, an agreement was reached with the manufacturer to extend the warranty an additional three years. The warranty period expired on April 29, 2022. During the entire warranty period all maintenance costs were covered by the manufacturer. In some cases, design flaws were re-engineered and updated parts were installed. Some fixes were successful while others still remain.

The design and intent of the process operations for this unit have not changed from concept to its current use. Utility staff has provided exemplary routine maintenance and followed all recommended operational strategies provided by the manufacturer.

To date, had the Utility been responsible for all necessary repairs, the cost incurred would have been approximately \$250,000. The unit has been in operation for approximately 4.5 years. The original capital cost of the unit was approximately \$380,000 (this cost does not reflect installation or associated pieces of equipment). Utility staff is concerned with the long-term reliability and cost implications of keeping this unit operational.

The attached task order would be a first step in evaluating whether our current solids thickening approach remains sound, or whether alternatives should be sought to realize long-term process reliability and to minimize escalating maintenance costs.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee recommended approval of the Task Order at their October 11, 2022 meeting.

**FINANCIAL IMPACT**

(If none, state N/A)

The funds for this engineering consultant effort would come out of the Wastewater Utility Account 620-62820-219, Professional Services. The estimated fee is \$15,000 based on an hourly rate basis plus expenses.

**STAFF RECOMMENDATION**

Staff recommends a motion for approval of Strand Task Order 22-13, Biosolids Thickening Planning.

**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

1. Task Order 22-13
-



Strand Associates, Inc.®

910 West Wingra Drive

Madison, WI 53715

(P) 608.251.4843

www.strand.com

Task Order No. 22-13

City of Whitewater, Wisconsin (OWNER)

and Strand Associates, Inc.® (ENGINEER)

Pursuant to Agreement for Technical Services dated December 30, 2020

### Project Information

Services Name: Biosolids Thickening Planning

Services Description: General engineering services to review alternatives for biosolids thickening.

### Scope of Services

ENGINEER will provide the following services to OWNER:

1. Review and summarize the past three years of biosolids production data provided by OWNER. Review operating parameters of existing biosolids thickening process including operating schedule, feed rates, and performance.
2. Request equipment and cost information from manufacturers for three technologies including gravity belt thickeners, rotary drum thickeners, and disc thickeners. Design criteria established in OWNER's previous planning efforts. Studies will be provided to equipment manufacturers.
3. Provide a cursory review of space needs for new biosolids drying equipment based on information provided by up to two manufacturers. Review the approximate building size required for a biosolids drying system.
4. Review space needs for new biosolids thickening equipment based on information provided by manufacturers. Develop capital, operation and maintenance, and 20-year total present worth costs for up to three biosolids thickening alternatives. Develop a 20-year total present worth cost for existing biosolids thickening operations.
5. Summarize the evaluation in a draft letter.
6. Participate in a review meeting with OWNER to discuss OWNER's comments on the draft letter. Incorporate OWNER comments, as appropriate, and finalize the letter.

### Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee not to exceed \$15,000.

### Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of October 10, 2022. Services are scheduled for completion on January 31, 2023.

TJA dfe R \MAD Documents\Agreements\W-Whitewater, City of (WI)\ATS 2020 TO 2022\1407 126 22-13 docs

City of Whitewater  
Task Order No. 22-13  
Page 2  
September 28, 2022

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

OWNER:

CITY OF WHITEWATER

\_\_\_\_\_  
Joseph M. Bunker  
Corporate Secretary

Date

\_\_\_\_\_  
John Weidl  
Interim City Manager

Date

\_\_\_\_\_  
Michele Smith  
City Clerk

Date



## Council Agenda Item

Meeting Date:	October 18, 2022
Agenda Item:	Biosolids Hauling
Staff Contact (name, email, phone):	Tim Reel, <a href="mailto:treel@whitewater-wi.gov">treel@whitewater-wi.gov</a> , 262-473-0560 Brad Marquardt, <a href="mailto:bmarquardt@whitewater-wi.gov">bmarquardt@whitewater-wi.gov</a> , 262-473-0139

### BACKGROUND

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

The Wastewater Utility currently has a contract for hauling and land applying biosolids that will expire at the end of 2022. A Request for Proposal was advertised for a new contract for 2023 – 2026. Two proposals were received from Walter & Sons and HPC Industrial LLC (Clean Harbors).

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In October 2018, the City entered into an Agreement with Clean Harbors for the hauling and applying of biosolids. The contract was for 2018 – 2020 with an extension to the contract signed in March 2021 for the years 2021 and 2022. At their Oct 11, 2022 meeting, the Public Works Committee recommended approval of the contract to HPC Industrial LLC.

### FINANCIAL IMPACT

(If none, state N/A)

HPC Industrial’s proposed yearly fuel costs (this is based on fuel prices at \$3.00 and below) are shown below. There is an additional fuel surcharge of 1% for every \$.10 fuel is over \$3.00/gallon. Based on 1,500,000 gallons, costs for \$3.00/gallon and \$4.50/gallon (for comparison) are also shown below. \$79,750 was included in the 2023 Wastewater Operating budget.

		<u>\$3.00</u>	<u>\$4.50</u>
2023	\$.042/gallon	\$63,000	\$72,450
2024	\$.042/gallon	\$63,000	\$72,450
2025	\$.045/gallon	\$67,500	\$77,625
2026	\$.045/gallon	\$67,500	\$77,625

### STAFF RECOMMENDATION

HPC Industrial LLC (Clean Harbors) has provided this service over the last five years with no issues. Staff is pleased with their work and communication. While cost was one criterion, there was a huge discrepancy between HPC Industrial and Walter & Sons. Walter & Sons fuel costs were \$.08/gallon putting their yearly costs at \$120,000. Based on this information, staff recommends approval of the 2023-2026 Biosolids Hauling Contract to HPI Industrial LLC.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Biosolids Hauling RFP
-

# CITY OF WHITEWATER REQUEST FOR PROPOSALS



Title: 2023-2026 Biosolids Hauling Contract

Department: Wastewater

Due Date: 3:00 p.m. October 5, 2022

## Table of Contents

- I. NOTICE TO PROPOSERS
  - A. Summary
  - B. Important Dates
  - C. How to Submit a Proposal
  - D. Contact Information
  - E. Inquiries, Clarification & Exceptions
  - F. Addenda
  - G. Bid Distribution Networks
  - H. Oral Presentations/Site Visits/Meetings
  - I. Acceptance/Rejection/Withdrawal of Proposals
  - J. Public Records Notice
  - K. Tax Exempt
  - L. Terms of Contract
  - M. Cancellation/Termination of Contract
  - N. Evaluation Process
  - O. Insurance and Indemnification
- II. SCOPE OR WORK
  - A. Project
  - B. Scope of Services
  - C. Biosolids Information
  - D. Cost and Payment
  - E. Completion of Work
- III. REQUIRED PROPOSAL INFORMATION
  - A. Cover Letter
  - B. Basic Qualification of the Firm
  - C. Experience and Technical Competence
  - D. Proposed Method to Accomplish the Work
  - E. Knowledge and Understanding of Biosolids Disposal Environment
  - F. Project Organization and Key Personnel
  - G. Cost
  - H. References

Appendix A: Insurance Requirements

Appendix B: Annual Sludge Characteristics 2018 - 2022

## **I. NOTICE TO PROPOSERS**

### **A. Summary**

The City of Whitewater Wastewater Utility is soliciting proposals from qualified vendors for a contract thru the year 2026 for hauling and land application of liquid Biosolids with an option to extend the contract for an additional two years (2027 and 2028). Vendors submitting proposals are required to read this Request for Proposals (RFP) in its entirety and follow the instructions contained herein.

### **B. Important Dates**

Deliver proposals no later than the due time and date indicated below. The City will reject late proposals. The anticipated timeline is as follows:

Issue Date:	September 9, 2022
Questions Due Date:	September 21, 2022
Answers Posted Date:	September 28, 2022
Due Date:	October 5, 2022
Public Works Committee Review:	October 11, 2022
Contract Award:	October 19, 2022

### **C. How to Submit a Proposal**

Submit four (4) hardcopies of the proposal, along with one electronic file, in a sealed envelope.

Hardcopy proposals shall be typed and securely bound on 8.5 x 11 – inch paper, otherwise identical to the electronic version (if applicable).

All proposal costs are the expense of the proposer. The City will not consider illegible proposals. Elaborate proposals beyond that sufficient to present a complete and effective proposal, are not necessary or desired.

All proposals shall be clearly labeled:

City of Whitewater  
2023-2026 Biosolids Contract  
Due: 3:00 p.m. October 5, 2022

Delivery of hard copies to:

City of Whitewater  
Attention: Clerk's Office  
312 W. Whitewater Street  
Whitewater, WI 53190

Proposals shall be delivered as instructed. Deliveries to other City departments and/or locations may result in disqualification.

#### **D. Contact Information**

Questions regarding the proposal should be addressed to:

Brad Marquardt	or	Tim Reel
City of Whitewater		City of Whitewater
312 W. Whitewater Street		312 W. Whitewater Street
Whitewater, WI 53190		Whitewater, WI 53190
(262) 473-0139		(262) 473-0560
<a href="mailto:bmarquardt@whitewater-wi.gov">bmarquardt@whitewater-wi.gov</a>		<a href="mailto:treel@whitewater-wi.gov">treel@whitewater-wi.gov</a>

#### **E. Inquiries, Clarification & Exceptions**

Proposers are to raise any questions they have about the RFP document without delay. Direct all questions, in writing, to the department contact listed above in section D.

Proposers finding any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP document shall immediately notify the City and request clarification. In the event that it is necessary to provide additional clarification or revision to the RFP, the City will post addenda – see Addenda below. Proposers are strongly encouraged to check for addenda regularly.

Proposals should be as responsive as possible to the provisions stated herein. A prospective vendor may take “exception” to bid terms, conditions, specifications and dates stated within the bid package. However, the City of Whitewater reserves the right to disqualify any and all bids submitted which include exceptions, if deemed not in the City’s best interest.

#### **F. Addenda**

In the event that it is necessary to provide additional clarification or revision to the RFP, the City will post addenda to the same website as the original distribution – see G below. It is the proposer’s responsibility to regularly monitor the website for any such postings. Proposers must acknowledge the receipt of any addenda in their proposal. Failure to retrieve addenda and include their provisions may result in disqualification.

#### **G. Bid Distribution Networks**

The City of Whitewater will post the Request for Proposal and addenda on the city’s website. It is the proposer’s responsibility to regularly monitor the site for posted addenda. Proposer’s failure to retrieve such addenda and incorporate their appropriate provisions in their response may result in the disqualification of the proposal.

The City of Whitewater’s website is [www.whitewater-wi.gov](http://www.whitewater-wi.gov). The proposal can be found under the “Government” tab by clicking on “Project Bidding”.

## **H. Oral Presentations/Site Visits/Meetings**

Proposers may be asked to attend meetings, make oral presentations, inspect City locations or make their facilities available for a site inspection as part of this RFP process. Such presentations, meetings or site visits will be at the proposer's expense.

## **I. Acceptance/Rejection/Withdrawal of Proposals**

The City reserves the right to accept or reject any or all proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interest of the City. Further, the City makes no representation that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all proposals responding to this invitation without indicating any reasons for such rejection(s).

## **J. Public Records Notice**

Proposers are hereby notified that all information submitted in response to the RFP may be made available for public inspection according to the Public Records Law of the State of Wisconsin or other applicable public record laws. Information qualifying as a "trade secret" – defined in State of Wisconsin Statutes – may be held confidential.

Proposers shall separately and clearly identify all information they deem to be "trade secrets", as defined in the State of Wisconsin Statutes. Do not duplicate or co-mingle information deemed confidential and sealed, elsewhere in your response.

Wisconsin Statute S. 19.36(5)

(5) TRADE SECRETS. An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90(1) (c).

Wisconsin Statute S. 134.90(1)(c)

(c) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

The City cannot ensure that information will not be subject to release if a request is made under applicable public records laws. The City cannot consider the following confidential: a bid in its entirety, price bid information, or the entire contents of any resulting contract. The City will not provide advance notice to proposers prior to release of any requested record.

To the extent permitted by such laws, it is the intention of the City to withhold the contents of proposals from public view – until such times as competitive or bargaining reasons no longer require non-disclosure, in the City's opinion. At that time, all proposals will be available for review in accordance with public records laws.

## **K. Tax Exempt**

The City of Whitewater as a municipality is exempt from payment of federal excise taxes and State of Wisconsin taxes per Wisconsin statute 77.54(9a). The City will provide its Federal Tax ID and tax exempt number as necessary.

## **L. Terms of Contract**

The terms of the contract shall include but not be limited to the following:

1. Term of Contract – The term of the contract shall begin upon contract execution and end on December 31, 2026.
2. Option to Extend – The City of Whitewater reserves the right to extend the contract for two (2) additional years (2027 and 2028), upon the same terms. Also, the contract can be extended for two years with more favorable terms and conditions to the City under mutual agreement of both parties.
3. Contract Extension Pricing – Contract prices on an extended contract will be adjusted (increased or decreased) based upon the average annual change in the Consumer Index for “All Items” published by the Bureau of Labor Statistics (BLS) (Table 1A. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category and commodity and service group, Expenditure Category “All Items”). The CPI-U value is published by the BLS at its website: <http://www.bls.gov/cpi/news.htm>.

The price for an option year shall be based upon the percent change in the CPI-U from the preceding year applied to the current contract year price to obtain the option year price.

The City of Whitewater reserves the right to discontinue the contract’s remaining option year and may elect to re-advertise the contract in whole or in part when the changes in prices are not mutually acceptable between the contractor and the City.

Any and all changes to the contract terms and conditions shall be in writing by amending/modifying the contract.

4. Subcontracting Regulations – Successful vendor(s) will not be permitted to sublet, sell, transfer, assign or otherwise dispose of the contract or any portion therein, or its right, title or interest in, to any person, vendor or corporation.

## **M. Cancellation/Termination of Contract**

The City of Whitewater may terminate the contract at any time at its sole discretion by delivering thirty (30) days written notice to the contractor. Upon termination, the City’s liability will be limited to the pro rata cost of the services performed as of the date of termination plus expenses incurred with the prior written approval of the City. In the event that the contractor terminates the contract, for any reason whatsoever, it will refund to the City within 30 days of said termination, all payments made hereunder by the City to the contractor for work not completed or not accepted by the City. Such termination will require written notice to that effect to be delivered by the contractor to the City not less than 60 days prior to the said termination.

**N. Evaluation process and Scoring**

The RFP will be reviewed by an Evaluation Panel.

Each proposal will be evaluated as described below and assigned an overall score ranking.

Major Criteria Categories	Point Weight
Qualifications	15
Experience and Technical Competence	20
Proposed Method to Accomplish Work	10
Knowledge and Understanding of Biosolids Disposal	15
Project Organization and Key Personnel	15
Cost	20
References	5
TOTAL:	100

**O. Insurance and Indemnification Requirements**

Insurance coverage shall be in place prior to commencing work and shall remain in force until the entire project is completed or the length of time that is specified in the contract. See Appendix A for requirements.

**II. Scope of Work**

**A. Project**

The City of Whitewater (City) is seeking proposals to provide hauling and land application services for approximately 1,500,000 gallons of liquid biosolids (annually). All practices must be in accordance with our Wisconsin Pollutant Discharge Elimination System (WPDES) Permit (Outfall 002) and WI Statute NR204. The term of the contract shall be for 2023 through 2026 with an optional (2) year extension. Annual projection completion date is December 31st. Accepted contract price shall remain in effect until project is completed.

**B. Scope of Services**

**Contractor Responsibilities-**

1. Properly licensed by the State of Wisconsin Department of Natural Resources (WDNR) for Biosolids hauling and land application services.
2. Provide a list of emergency and after hours contact numbers.
3. Provide all equipment necessary to transport, land apply and incorporate biosolids.
4. Responsible for keeping all roads clear of mud to avoid complaints from Township, residents and for public safety. Maintaining roads shall not be paid separately but shall be consider incidental work related to the bid.
5. Provide a copy of a written Spill Recovery Plan that shall be followed in the event of a loss of hauled biosolids.

6. Has extensive knowledge related to WDNR Chapter NR 204 and shall meet all requirements set forth in NR 204 related to biosolids disposal and record keeping.
7. Responsible for obtaining WDNR approved sites for biosolids land spreading. Prior to submitting, for approval, these sites shall be submitted to the City for review. All field sites previously held and those obtained on behalf of the City shall remain as City sites.
8. Responsible for communication with and obtaining necessary approvals from local townships for use of roadways while performing work on behalf of the City.
9. Responsible for all costs related to soil testing. Testing to be performed in accordance with UW Extension A2100 soil sampling bulletin and WDNR Chapter NR 204.
10. Share soil test reports (can use soil report obtained from landowner if soil analysis was completed with the past four (4) years), with the City, prior to land application.
11. Provide the City with records, within 15 days of completion, of each seasonal (spring/fall) hauling event, to include: a completed copy of WDNR form 3400-056, 3400-054, a field map indicating the specific area where land application occurred, daily haul sheets and any other information requested by the City that may be necessary for WDNR permit compliance.
12. The City will allow the Contractor to review all City obtained and WDNR approved field sites. The Contractor may use these field sites, with all necessary approvals, on the Cities behalf. No transferring of field sites will be allowed. A copy of WDNR obtained site approvals shall be forwarded to the City.
13. Prior to applying biosolids, the City shall provide the Contractor with the most recent test results to be used for finalizing biosolids application rates. Provided test results can be used for the bid process.
14. The City will provide training to the awarded Contractor for use of the Truck Loadout Station. As necessary written procedures will be developed to guarantee an efficient hauling process along with successful operation of utility equipment and infrastructure in a manner that does not negatively impact other treatment processes.
15. The City reserves the right to inspect all equipment and or field sites at any time.
16. In order to minimize complaints, working hours shall take into consideration use of adjacent land and structures. No work shall be allowed on Sundays unless approved by the City. No work shall be allowed on Holidays.
17. If the Contractor fails to perform its obligations, the City may terminate this contract upon ten (10) days written notice.

**C. Biosolids Information**

<b>Year</b>	<b>Volume</b>	<b>Land Req'd.</b>	<b>% Solids</b>
2018	1,932,886	100.5	2.1
2019	1,153,970	82.7	2.6
2020	1,973,600	155.4	3.3
2021	732,700	60	4.4

**D. Cost and Payment**

Cost for land application of Biosolids shall be based on a per gallon cost. The Contractor shall provide an itemized invoice to the City within thirty (30) days after work has been completed. The City shall make payment within thirty (30) days of receipt of invoice.

#### **E. Completion of Work**

During the fall hauling period the City considers the work completed when our primary truck loadout pump begins to lose or is near losing prime. This is satisfactory two years out of the three-year contract. During one fall hauling period, out of the three-year term, the City will need to draw the storage tank down to near empty state for inspection and maintenance. Due to reduced pumping rates, as much as two additional days may be required in this specific year. All work related to hauling and land application of biosolids shall be completed by December 31st of each calendar year.

### **III. Required Proposal Information**

Proposals are to be limited to 12 pages (may be double sided) including the signed cover letter, with information requested below. Proposals received not following the format specifications will forfeit points, and may be disqualified and considered non-responsive at the City's discretion.

All proposals submitted in response to this request should include the headings listed below to assist evaluation. The proposal shall be concise, well organized and demonstrate the responder's qualification and experience applicable to the Project. Please submit four copies of the proposal.

#### **A. Cover Letter**

Provide a cover letter summarizing your proposal including a brief summary of your capabilities to deliver the services requested in a timely fashion and of the firm's experience in this type of work. **Your proposal must be signed.**

#### **B. Basic Qualification of the Firm**

Provide basic data relative to the firm's size, history, personnel, equipment, and expertise in the service being requested. Include name, title, address, and telephone number of person to contact concerning the proposal.

#### **C. Experience and Technical Competence**

Provide a list of at least five past or ongoing projects that demonstrate successful and satisfactory completion of work of comparable size for which the proposed team provided similar services as those required by this RFP over the past 10 years. Include a brief description of the project, date initiated, date completed, cost, name of owner, and owner's project manager and phone number.

#### **D. Proposed Method to Accomplish the Work**

Discuss approach to items identified in the Scope of Services. Include discussion on approach to maintain budget and schedule. Include your company policies and procedures on the prioritization of clients during the spring and fall hauling periods.

#### **E. Knowledge and Understanding of Biosolids Disposal Environment**

Describe the firm's knowledge and understanding of Biosolids land application environment. The "environment" includes, but is not limited to; Federal, State, County and local laws, statutes, codes, regulation, ordinances and rules.

**F. Project Organization and Key Personnel**

Describe proposed project organization, including identification and responsibilities of key personnel. Key personnel identified in the proposal shall not be removed and/or substituted by the Contractor or subcontractor unless said named key personnel leave the employment of the contractor or subcontractor. Indicate role and responsibilities of Contractor and all subcontractors. Identify current commitments, availability and location of all key personnel included in the proposal.

**G. Cost**

Provide the cost per gallon to haul and land apply liquid biosolids. The cost per gallon shall include all costs to perform this duty.

**H. References**

Provide a minimum of three (3) references with contact name(s), phone number(s) and years where biosolids have been hauled and land applied. Contact name shall be person(s) who has direct knowledge of Contractors performance.

**APPENDIX A**  
**INSURANCE REQUIREMENTS**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  Insurance Agency	CONTACT NAME:	
	PHONE (A/C. No. Ext):	FAX (A/C. No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Insurance Company	
INSURED  Contractor	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

**COVERAGES**

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		X				EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
<input checked="" type="checkbox"/>	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/>		X				COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$		X				EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

# SPECIMEN

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

City of Whitewater 312 W. Whitewater Street Whitewater, WI 53190	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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**APPENDIX B**

**ANNUAL SLUDGE**

**CHARACTERISTICS**

# ANALYTICAL REPORT

**NORTHERN LAKE SERVICE, INC.**  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54520  
 Ph: (715)-478-2777 Fax: (715)-478-3060

**WDNR Laboratory ID No. 721026460**  
**WDATCP Laboratory Certification No. 105-330**  
**EPA Laboratory ID No. W100034**  
 Printed: 04/12/18 Page 1 of 1

**Client:** Whitewater Wastewater Treatment Plant  
**Affn:** Tim Reel  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

**NLS Project:** 296365  
**NLS Customer:** 89908  
 Fax: 262 473 5930 Phone: 262 473 0560

**Project:** Annual Sludge Analysis  
**Sludge Storage NLS ID:** 1045867  
 COC: 214507-2 Matrix: SL  
 Collected: 03/19/18 07:35 Received: 03/20/18

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable as As by ICP	25	mg/Kg DWB	5	5.4	17	03/21/18	SW846 6010	721026460
Cadmium, tot. recoverable as Cd by ICP	1.8	mg/Kg DWB	5	0.21	0.67	03/21/18	SW846 6010	721026460
Copper, tot. recoverable as Cu by ICP	640	mg/Kg DWB	5	1.7	5.6	03/21/18	SW846 6010	721026460
Lead, tot. recoverable as Pb by ICP	33	mg/Kg DWB	5	4.7	15	03/21/18	SW846 6010	721026460
Mercury, total as Hg on solids	ND	mg/Kg DWB	1	2.5	7.4	04/02/18	SW846 7471B	721026460
Molybdenum, total recoverable as Mo by ICP	21	mg/Kg DWB	5	2.2	7.2	03/21/18	SW846 6010	721026460
Nickel, tot. recoverable as Ni by ICP	23	mg/Kg DWB	5	1.2	3.8	03/21/18	SW846 6010	721026460
Nitrogen, ammonia as N on solids	4.2	mg/Kg DWB	1	0.040	0.13	03/26/18	SA MTH 33	721026460
Nitrogen, total Kjeldahl as N on solids	7.6	% DWB	1	0.18	0.56	04/06/18	SA MTH 33	721026460
Phosphorus, total recoverable as P by ICP	4.6	% DWB	5	0.0019*	0.0062*	03/21/18	SW846 6010B	721026460
Phosphorus, soluble on solids	0.57	% DWB	1	0.029*		03/27/18	PENN STATE WEP	721026460
WEP, as percent of total P	12	%	1			03/30/18	PENN STATE WEP	721026460
Potassium, tot. recoverable as K by ICP	0.33	% DWB	5	0.0024	0.0082	03/21/18	SW846 6010	721026460
Radium 226 total on Sludge	NOTHING ENTERED						SM705 Mod	999407970
Selenium, tot. recoverable as Se by ICP	ND	mg/Kg DWB	5	13*	44*	03/21/18	SW846 6010	721026460
Solids, total on solids	2.1	%	1	0.10*		03/20/18	SM 2540-G 20ed	721026460
Solids, tot. volatile	61	% DWB	1	2.0*		03/27/18	EPA 160.4	721026460
Zinc, tot. recoverable as Zn by ICP	1100	mg/Kg DWB	5	3.8	13	03/21/18	SW846 6010	721026460
Metals digestion - tot. recov (solid) ICP	yes					03/21/18	SW846 3050M	721026460

**Primary Sludge NLS ID: 1045868**  
 COC: 214507-4 Matrix: SL  
 Collected: 03/19/18 07:50 Received: 03/20/18

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Solids, volatile reduction	71	%	1			04/05/18	NA	721026460
Solids, total on solids	4.1	%	1	0.10*		03/20/18	SM 2540-G 20ed	721026460
Solids, tot. volatile	84	% DWB	1	2.0*		03/20/18	EPA 160.4	721026460

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(\*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.  
 ND = Not Detected (< LOD) LOD = Limit of Detection  
 DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000  
 MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.  
 LOQ = Limit of Quantitation  
 NA = Not Applicable  
 1000 ug/L = 1 mg/L

Reviewed by:  
 R. T. Krueger  
 President

Authorized by:  
 R. T. Krueger  
 President

# ANALYTICAL REPORT

NORTHERN LAKE SERVICE, INC.  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54520  
 Ph: (715)-478-2777 Fax: (715)-478-3060

WDNR Laboratory ID No. 721026460  
 WDATCP Laboratory Certification No. 105-330  
 EPA Laboratory ID No. WI00034  
 Printed: 04/17/19 Page 1 of 2

Client: Whitewater Wastewater Treatment Plant  
 Attn: Ben Mielke  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

Project revised on: 04/17/2019 \*\* See note below \*\* NLS Project: 317310  
 NLS Customer: 89908  
 Fax: 262 473 5930 Phone: 262 473 0560

**Project: 2019 Annual Sludge Analysis**

**Sludge Storage 031119 NLS ID: 1108714**

COC: 219899:1 Matrix: SL

Collected: 03/11/19 14:53 Received: 03/12/19

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable as As by ICP	19	mg/Kg DWB	5	4.2	14	03/14/19	SW846 6010	721026460
Cadmium, tot. recoverable as Cd by ICP	1.4	mg/Kg DWB	5	0.16	0.52	03/14/19	SW846 6010	721026460
Copper, tot. recoverable as Cu by ICP	540	mg/Kg DWB	5	1.4	4.3	03/14/19	SW846 6010	721026460
Lead, tot. recoverable as Pb by ICP	26	mg/Kg DWB	5	3.6	12	03/14/19	SW846 6010	721026460
Mercury, total as Hg on solids	ND	mg/Kg DWB	1	1.2	3.6	03/18/19	SW846 7471B	721026460
Molybdenum, total recoverable as Mo by ICP	16	mg/Kg DWB	5	1.7	5.6	03/14/19	SW846 6010	721026460
Nitrogen, ammonia as N on solids	3.5	% DWB	10	0.031	0.10	03/14/19	4500-NH3 G-1987	721026460
Nitrogen, total Kjeldahl as N on solids	7.3	% DWB	1	0.074	0.23	03/15/19	SA MTH 33	721026460
Phosphorus, total recoverable as P by ICP	3.7	% DWB	5	0.0014*	0.0048*	03/14/19	SW846 6010B	721026460
Phosphorus, soluble on solids	0.91	% DWB	1	0.024*	0.076*	03/19/19	PENN STATE WEP	721026460
WEP, as percent of total P	25	%	1			03/19/19	PENN STATE WEP	721026460
Potassium, tot. recoverable as K by ICP	0.85	% DWB	5	0.0019	0.0064	03/14/19	SW846 6010	721026460
Radium 226 total on Sludge	8.695 +/- 1.130	pCi/g DWB		0.40		04/09/19	SM705 Mod	999407970
Selenium, tot. recoverable as Se by ICP	ND	mg/Kg DWB	5	10*	34*	03/14/19	SW846 6010	721026460
Solids, total on solids	2.6	%	1	0.10*		03/13/19	SM 2540-G 20ed	721026460
Solids, tot. volatile	68	% DWB	1	2.0*		03/13/19	EPA 160.4	721026460
Zinc, tot. recoverable as Zn by ICP	960	mg/Kg DWB	5	3.0	10	03/14/19	SW846 6010	721026460
Metals digestion - tot. recov (solid) ICP	yes					03/14/19	SW846 3050M	721026460

**Sludge Storage fecal NLS ID: 1108715**

COC: 215022:3 Matrix: SL

Collected: 03/11/19 14:55 Received: 03/12/19

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Coliform, fecal on sludge	100000	CFU/g DWB	1	390		03/12/19	SM 9222D 20th	721026460
Solids, total on solids	2.6	%	1	0.10*		03/13/19	SM 2540-G 20ed	721026460

**Primary Sludge 031119 NLS ID: 1108716**

COC: 215022:4 Matrix: SL

Collected: 03/11/19 10:25 Received: 03/12/19

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Solids, volatile reduction	62	%	1			03/20/19	NA	721026460
Solids, total on solids	4.1	%	1	0.10*		03/13/19	SM 2540-G 20ed	721026460
Solids, tot. volatile	85	% DWB	1	2.0*		03/13/19	EPA 160.4	721026460

**Sludge Storage Fecal NLS ID: 1109035**

COC: 164606:1 Matrix: SL

Collected: 03/12/19 14:38 Received: 03/12/19

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Coliform, fecal on sludge	28000	CFU/g DWB	1	360		03/13/19	SM 9222D 20th	721026460
Solids, total on solids	2.8	%	1	0.10*		03/14/19	SM 2540-G 20ed	721026460

**Sludge Storage Fecal NLS ID: 1109346**

COC: 223652:1 Matrix: SL

Collected: 03/13/19 14:56 Received: 03/14/19

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Coliform, fecal on sludge	76000	CFU/g DWB	1	3400		03/14/19	SM 9222D 20th	721026460
Solids, total on solids	2.9	%	1	0.10*		03/14/19	SM 2540-G 20ed	721026460

# ANALYTICAL REPORT

NORTHERN LAKE SERVICE, INC.  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54820  
 Ph: (715)-478-2777 Fax: (715)-478-3060

WDNR Laboratory ID No. 721026460  
 WDATCP Laboratory Certification No. 105-330  
 EPA Laboratory ID No. WI00034  
 Printed: 04/17/19 Page 2 of 2

Client: Whitewater Wastewater Treatment Plant  
 Attn: Ben Mielke  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

Project revised on: 04/17/2019 \*\* See note below \*\* NLS Project: 317310  
 NLS Customer: 89908  
 Fax: 262 473 5930 Phone: 262 473 0560

**Project: 2019 Annual Sludge Analysis**

**Sludge Storage Fecal NLS ID: 1109640**

COC: 224840:1 Matrix: SL

Collected: 03/14/19 14:42 Received: 03/15/19

**Parameter**

Coliform, fecal on sludge

Solids, total on solids

Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
86000	CFU/g DWB	1	3400		03/15/19	SM 9222D 20th	721026460
2.9	%	1	0.10*		03/15/19	SM 2540-G 20ed	721026460

**Sludge Storage Fecal NLS ID: 1109906**

COC: 222120:1 Matrix: SL

Collected: 03/18/19 14:36 Received: 03/19/19

**Parameter**

Coliform, fecal on sludge

Solids, total on solids

Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
97000	CFU/g DWB	1	3400		03/19/19	SM 9222D 20th	721026460
2.9	%	1	0.10*		03/19/19	SM 2540-G 20ed	721026460

**Sludge Storage Fecal NLS ID: 1110274**

COC: 225954:6 Matrix: SL

Collected: 03/19/19 14:00 Received: 03/20/19

**Parameter**

Coliform, fecal on sludge

Solids, total on solids

Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
34000	CFU/g DWB	1	350		03/20/19	SM 9222D 20th	721026460
2.9	%	1	0.10*		03/20/19	SM 2540-G 20ed	721026460

**Sludge Storage Fecal NLS ID: 1110644**

COC: 225955:6 Matrix: SL

Collected: 03/20/19 14:39 Received: 03/21/19

**Parameter**

Coliform, fecal on sludge

Coliform, fecal on sludge geometric mean

Solids, total on solids

Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
96000	CFU/g DWB	1	3600		03/21/19	SM 9222D 20th	721026460
67000	CFU/g DWB	1			03/21/19	SM 9222D 20th	721026460
2.8	%	1	0.10*		03/21/19	SM 2540-G 20ed	721026460

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(\*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.

ND = Not Detected (< LOD) LOD = Limit of Detection

DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000

MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.

LOQ = Limit of Quantitation

1000 ug/L = 1 mg/L

NA = Not Applicable

Reviewed by:



Authorized by:  
 R. T. Krueger  
 President

**Revision note: The ammonia result has been modified for sample 1108714.**

# ANALYTICAL REPORT

WDNR Laboratory ID No. 721026460  
 WDATCP Laboratory Certification No. 105-330  
 EPA Laboratory ID No. WI00034  
 Printed: 04/03/20 Page 1 of 1

NORTHERN LAKE SERVICE, INC.  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54520  
 Ph: (715)-478-2777 Fax: (715)-478-3060

Client: Whitewater Wastewater Treatment Plant  
 Attn: Ben Mielke  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

NLS Project: 340338  
 NLS Customer: 89908  
 Fax: 262 473 5930 Phone: 262 473 0560

Project: 2020 Annual Sludge Analysis  
 Sludge Storage NLS ID: 1175917

COC: 232831:1 Matrix: SL  
 Collected: 03/02/20 08:24 Received: 03/03/20

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable as As by ICP	21	mg/Kg DWB	5	4.1	13	03/16/20	SW846 6010	721026460
Cadmium, tot. recoverable as Cd by ICP	1.5	mg/Kg DWB	5	0.16	0.51	03/16/20	SW846 6010	721026460
Copper, tot. recoverable as Cu by ICP	610	mg/Kg DWB	5	1.6	5.4	03/16/20	SW846 6010	721026460
Lead, tot. recoverable as Pb by ICP	22	mg/Kg DWB	5	3.6	12	03/16/20	SW846 6010	721026460
Mercury, total as Hg on solids	[1.4]	mg/Kg DWB	1	0.55	1.9	03/08/20	SW846 7471B	721026460
Molybdenum, total recoverable as Mo by ICP	14	mg/Kg DWB	5	2.5	8.3	03/16/20	SW846 6010	721026460
Nickel, tot. recoverable as Ni by ICP	26	mg/Kg DWB	5	2.9	10	03/16/20	SW846 6010	721026460
Nitrogen, ammonia as N on solids	3.2	% DWB	1	0.049	0.16	03/11/20	4500-NH3 G-1997	721026460
Nitrogen, total Kjeldahl as N on solids	6.9	% DWB	1	0.096	0.30	03/16/20	SA MTH 33	721026460
Phosphorus, total recoverable as P by ICP	3.7	% DWB	5	0.010	0.034	03/16/20	SW846 6010B	721026460
Phosphorus, soluble on solids	0.90	% DWB	1000	0.12	0.39	03/10/20	PENN STATE WEP	721026460
WEP, as percent of total P	24	%	1			03/17/20	PENN STATE WEP	721026460
Potassium, tot. recoverable as K by ICP	0.60	% DWB	5	0.0018	0.0062	03/16/20	SW846 6010	721026460
Radium 226 total on Sludge	7.617 +/- 1.443	pCi/g DWB		0.93		04/01/20	EPA 901.1	999407970
Selenium, tot. recoverable as Se by ICP	ND	mg/Kg DWB	5	10	33	03/16/20	SW846 6010	721026460
Solids, total on solids	3.3	%	1	0.10*		03/03/20	SM 2540-G 20ed	721026460
Zinc, tot. recoverable as Zn by ICP	920	mg/Kg DWB	5	4.7	16	03/16/20	SW846 6010	721026460
Metals digestion - tot. recov (solid) ICP	yes					03/13/20	SW846 3050	721026460

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(\*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.

ND = Not Detected (< LOD) LOD = Limit of Detection  
 DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000  
 MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.

LOQ = Limit of Quantitation  
 1000 ug/L = 1 mg/L

NA = Not Applicable

Reviewed by:



Authorized by:  
 R. T. Krueger  
 President

# ANALYTICAL REPORT

**NORTHERN LAKE SERVICE, INC.**  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54520  
 Ph: (715)-478-2777 Fax: (715)-478-3060

**WDNR Laboratory ID No. 721026460**  
**WDATCP Laboratory Certification No. 105-330**  
**EPA Laboratory ID No. WI00034**  
 Printed: 04/16/21 Page 1 of 1

**Client:** Whitewater Wastewater Treatment Plant  
**Attn:** Ben Mielke  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

**NLS Project:** 363148  
**NLS Customer:** 89908  
 Fax: 262 473 5930 Phone: 262 473 0560

**Project:** 2021 Sludge Analysis

**Sludge NLS ID:** 1244620

COC: 247185:1 Matrix: SL  
 Collected: 03/18/21 09:40 Received: 03/19/21

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable as As by ICP	27	mg/Kg DWB	5	3.0	9.9	03/25/21	SW846 6010	721026460
Cadmium, tot. recoverable as Cd by ICP	1.4	mg/Kg DWB	5	0.12	0.38	03/25/21	SW846 6010	721026460
Copper, tot. recoverable as Cu by ICP	630	mg/Kg DWB	5	1.2	4.0	03/25/21	SW846 6010	721026460
Lead, tot. recoverable as Pb by ICP	20	mg/Kg DWB	5	2.7	8.7	03/25/21	SW846 6010	721026460
Mercury, total as Hg on solids	ND	mg/Kg DWB	1	1.3	4.3	04/05/21	SW846 7471B	721026460
Molybdenum, total recoverable as Mo by ICP	15	mg/Kg DWB	5	1.9	6.2	03/25/21	SW846 6010	721026460
Nickel, tot. recoverable as Ni by ICP	22	mg/Kg DWB	5	2.2	7.4	03/25/21	SW846 6010	721026460
Nitrogen, ammonia as N on solids	1.8	% DWB	1	0.037	0.12	03/26/21	4500-NH3 G-1997	721026460
Nitrogen, total Kjeldahl as N on solids	7.6	% DWB	1	0.76	2.6	03/24/21	EPA 351.2, Rev 2	721026460
Phosphorus, total recoverable as P by ICP	3.8	% DWB	5	0.0074	0.025	03/25/21	SW846 6010B	721026460
Phosphorus, soluble on solids	1.0	% DWB	1	0.030	0.10	03/23/21	PENN STATE WEP	721026460
WEP, as percent of total P	27	%	1			03/29/21	PENN STATE WEP	721026460
Potassium, tot. recoverable as K by ICP	0.63	% DWB	5	0.0014	0.0047	03/25/21	SW846 6010	721026460
Radium 226 total on Sludge	10.548 +/- 1.908	pCi/g DWB		0.93		04/14/21	EPA 901.1	999407970

The reported Ra-226 results were determined by hermetically sealing the dried, processed sample in an appropriate sized can. Each sample was stored a minimum of 21 days to ensure that the equilibrium between Ra-226 and daughters Bi-214 and Pb-214 was achieved. Reported Ra-226 results were inferred from gamma peaks attributable to Bi-214 and Pb-214.

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(\*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.  
 ND = Not Detected (< LOD) LOD = Limit of Detection  
 DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000  
 MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.  
 LOQ = Limit of Quantitation NA = Not Applicable  
 1000 ug/L = 1 mg/L

Reviewed by:   
 Authorized by:  
 R. T. Krueger  
 President

# ANALYTICAL REPORT

**NORTHERN LAKE SERVICE, INC.**  
 Analytical Laboratory and Environmental Services  
 400 North Lake Avenue - Crandon, WI 54520  
 Ph: (715)-478-2777 Fax: (715)-478-3060

**WDNR Laboratory ID No. 721026460**  
**WDATCP Laboratory Certification No. 105-330**  
**EPA Laboratory ID No. WI00034**

Printed: 04/07/22 Page 1 of 1

**Client:** Whitewater Wastewater Treatment Plant  
**Attn:** Ben Mielke  
 109 County Road U  
 P O Box 178  
 Whitewater, WI 53190 0178

**NLS Project:** 381189  
**NLS Customer:** 89908

**Fax:** 262 473 5930 **Phone:** 262 473 0560

**Project:** 2022 Sludge Analysis

**2022 Biosolids NLS ID: 1301337**

COC: 266790:1 Matrix: SL

Collected: 03/01/22 08:45 Received: 03/02/22

**Parameter**

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable as As by ICP	14	mg/Kg DWB	5	7.9	26	03/08/22	SW846 6010	721026460
Cadmium, tot. recoverable as Cd by ICP	1.9	mg/Kg DWB	5	0.31	0.98	03/08/22	SW846 6010	721026460
Copper, tot. recoverable as Cu by ICP	660	mg/Kg DWB	5	3.1	10	03/08/22	SW846 6010	721026460
Lead, tot. recoverable as Pb by ICP	23	mg/Kg DWB	5	6.9	23	03/08/22	SW846 6010	721026460
Mercury, total as Hg on solids	ND	mg/Kg DWB	1	1.3	4.4	03/07/22	SW846 7471B	721026460
Molybdenum, total recoverable as Mo by ICP	19	mg/Kg DWB	5	5.2	18	03/08/22	SW846 6010	721026460
Nickel, tot. recoverable as Ni by ICP	22	mg/Kg DWB	5	1.9	6.3	03/08/22	SW846 6010	721026460
Nitrogen, ammonia as N on solids	2.6	% DWB	1	0.012	0.040	03/08/22	4500-NH3 G-1997	721026460
Nitrogen, total Kjeldahl as N on solids	8.3	% DWB	50	1.2	4.2	03/14/22	EPA 351.2, Rev 2	721026460
Phosphorus, total recoverable as P by ICP	3.8	% DWB	5	0.019	0.066	03/08/22	SW846 6010B	721026460
Phosphorus, soluble on solids	1.2	% DWB	1	0.030	0.10	03/08/22	PENN STATE WEP	721026460
WEP, as percent of total P	31	%	1			03/09/22	PENN STATE WEP	721026460
Potassium, tot. recoverable as K by ICP	0.88	% DWB	5	0.0035	0.012	03/08/22	SW846 6010	721026460
Radium 226 total on Sludge	8.240 +/- 1.276	pCi/g DWB		0.47		04/04/22	EPA 901.1	999407970
Selenium, tot. recoverable as Se by ICP	ND	mg/Kg DWB	5	19	64	03/08/22	SW846 6010	721026460
Solids, total on solids	3.1	%	1	0.10*		03/02/22	SM 2540-G 20ed	721026460
Zinc, tot. recoverable as Zn by ICP	1200	mg/Kg DWB	5	9.2	31	03/08/22	SW846 6010	721026460
Metals digestion - tot. recov (solid) ICP	yes					03/04/22	SW846 3050	721026460

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(\*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.

ND = Not Detected (< LOD) LOQ = Limit of Quantitation NA = Not Applicable

DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000

MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.

Reviewed by:



Authorized by:  
 R. T. Krueger  
 President

Harrison, Williams & McDonell, LLP  
*Attorneys at Law*

Wallace K. McDonell  
[wkm@hmattys.com](mailto:wkm@hmattys.com)

452 W. Main Street  
P.O. Box 59  
Whitewater, WI 53190  
(262) 473-7900; Fax: (262) 473-7906

Jonathan K. McDonell  
[jm@hmattys.com](mailto:jm@hmattys.com)

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To: City Council

From: Wallace K. McDonell, City Attorney

Date: October 13, 2022

Re: Golf Cart Ordinance

I have attached two drafts of the Golf Cart Ordinance. One is the draft that the Council considered at its October 4, 2022 meeting. Greg Majkrzak is asking that the Council consider passing that version at a second reading on Tuesday.

The second draft includes a section that generally allows operation of golf carts on streets and sidewalks. I drafted that version based on the general request at the last meeting. Please note that the new draft also allows the Council to choose between three options for hours of operation.

Attachments: October 4, 2022 Council Draft  
Second Draft Includes Sidewalks



| WISCONSIN LAWYERS.  
| EXPERT ADVISERS.  
| SERVING YOU.

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE CREATING CHAPTER 11.39 OPERATION OF GOLF CARTS ON  
PUBLIC ROADS

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

SECTION 1. Whitewater Municipal Code Chapter 11.39 is hereby created to read as follows:

11.39.010 – Operation of Golf Carts on Public Roads

(a) Definitions

1. Golf Cart – The term “golf cart” means a vehicle designed and manufactured with limited speed capabilities that does not exceed 20 miles per hour on a paved, level surface that is designed and intended to convey one or more persons. Modifications to allow extra seating in the area originally designed to carry equipment are allowed.
2. Public Roads – The term “public roads” is defined as any City road, street, or highway located within the City boundaries designed to accommodate motor vehicles. State and County public roads, streets and highways are excluded.

(b) Operation and Use

1. Golf Carts may be operated upon City public roads as follows:

All City of Whitewater roads (except Business Highway 12, Highway 59 and Janesville Street) with a speed limit of 25 miles per hour or less. Golf carts may cross Business Highway 12, Highway 59 and Janesville Street at intersections.

(c) Registration

1. No golf cart may be operated on any public street within the City of Whitewater unless the golf cart has first been registered with the City of Whitewater City Clerk as required herein. The registration shall be valid for (3) three years and renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued a permit which shall be displayed in a prominent, visible place on the rear fender of the golf cart. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.
2. An application for registration shall be made to the City of Whitewater City Clerk, or his or her designee, on forms provided by the City of Whitewater. The application may, among other things, require the owner’s name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart, proof of insurance and any such other information as may be reasonably required.

(d) Restrictions

1. No persons shall operate a golf cart on the designated public roads within the City of Whitewater without a valid driver's license issued in his or her state.
2. All golf carts operating under this Ordinance must be equipped with adequate functioning brakes, reliable and accurate steering apparatus, safe and proper tires, rearview mirror, red reflectors/or tape on front and rear bumpers.
3. Golf Carts may only be operated on designated public roads during the hours between sunrise and sunset.
4. All passengers must be seated.
5. Children are not allowed on a golf cart that is operated on public roads if by age/size they are required by state or federal regulations to be seated in child restraint equipment.
6. Golf Carts must be operated in single file and as close to the right-hand side of the street as possible.
7. The operator of a golf cart shall use hand signals when turning a golf cart on City public roads. A hand signal for a left turn shall be fully extending the arm straight out. A hand signal for a right turn shall be extending the arm out at a 90° angle upwards.
8. Golf Carts shall not be allowed on sidewalks except as required to cross them to enter or exit public roads. Golf Carts shall not be operated in areas not designated for motor vehicle use. This shall include but not be limited to public parks, public grassy areas and public walkways. This ordinance shall not prohibit golf cart operation on the University path between West Schwager Drive and Burr Oak Trail if it is allowed by the University Wisconsin Whitewater
9. No unattended Golf Cart is permitted on any public roadway while the motor is running or a key in the ignition.
10. Golf Carts must display a slow-moving vehicle emblem as required by Wis. Stat. 347.245(1).
11. Golf Cart operators are subject to all Wisconsin Statutes Chapter 346 "Rules of the Road" as applicable to automobiles. (inclusive and in particular operating under the influence of alcohol or controlled substances and/or traveling with open alcohol containers.)
12. Golf Carts may only be operated on roads where the speed limit is 25 miles per hour or less.

(e) Disclaimer and Liability

1. Disclaimer – Golf carts are not designed for nor manufactured to be operated on public streets and the City neither advocates nor endorses the golf cart as a safe means to travel on public streets, roads, and highways. The City of Whitewater shall not be liable for accidents, injuries or death involving the operation of a golf cart on public roads.

2. Assumption of Risk – Any person who owns, operates or rides upon a golf cart on a public road within the City of Whitewater does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(f) Violations

1. Violations of this ordinance shall constitute a non-criminal violation enforceable by all duly authorized law enforcement officers of the City of Whitewater.
2. Violation penalties shall be not less than \$75.00 nor more than \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ADOPTED:

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

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

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE CREATING CHAPTER 11.39 OPERATION OF GOLF CARTS ON  
PUBLIC ROADS AND SIDEWALKS

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

SECTION 1. Whitewater Municipal Code Chapter 11.39 is hereby created to read as follows:

11.39.010 – Operation of Golf Carts on Public Roads

(a) **Definitions**

1. Golf Cart – The term “golf cart” means a vehicle designed and manufactured with limited speed capabilities that does not exceed 20 miles per hour on a paved, level surface that is designed and intended to convey one or more persons. Modifications to allow extra seating in the area originally designed to carry equipment are allowed.
2. Public Roads – The term “public roads” is defined as any City road, street, or highway located within the City boundaries designed to accommodate motor vehicles. State and County public roads, streets and highways are excluded.

(b) **Operation and Use**

1. Golf Carts may be operated upon City public roads as follows:

All City of Whitewater roads (except Business Highway 12, Highway 59 and Janesville Street) with a speed limit of 25 miles per hour or less. Golf carts may cross Business Highway 12, Highway 59 and Janesville Street at intersections.

(c) **Registration**

1. No golf cart may be operated on any public street within the City of Whitewater unless the golf cart has first been registered with the City of Whitewater City Clerk as required herein. The registration shall be valid for (3) three years and renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued a permit which shall be displayed in a prominent, visible place on the rear fender of the golf cart. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.
2. An application for registration shall be made to the City of Whitewater City Clerk, or his or her designee, on forms provided by the City of Whitewater. The application may, among other things, require the owner’s name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart, proof of insurance and any such other information as may be reasonably required.

(d) **Restrictions**

1. No persons shall operate a golf cart on the designated public roads within the City of Whitewater without a valid driver's license issued in his or her state.
2. All golf carts operating under this Ordinance must be equipped with adequate functioning brakes, reliable and accurate steering apparatus, safe and proper tires, rearview mirror, red reflectors/or tape on front and rear bumpers.
3. Golf Carts may only be operated on designated public roads during the hours between sunrise and sunset. **[The hours ½ before sunrise to ½ hour after sunset.] | The hours ½ hour after sunrise to ½ hour before sunset.] Need Council direction on hours of operation.**
4. All passengers must be seated.
5. Children are not allowed on a golf cart that is operated on public roads if by age/size they are required by state or federal regulations to be seated in child restraint equipment.
6. Golf Carts must be operated in single file and as close to the right-hand side of the street as possible.
7. The operator of a golf cart shall use hand signals when turning a golf cart on City public roads. A hand signal for a left turn shall be fully extending the arm straight out. A hand signal for a right turn shall be extending the arm out at a 90° angle upwards.
8. Golf Carts ~~shall not be allowed~~ may be operated on sidewalks except on West Main Street from South Fourth Street to West Whitewater Street. in the B.2. Zoning District. as required to cross them to enter or exit public roads. However, the operation of a golf cart on sidewalks shall be limited to traveling on a direct route from an initial starting point of the vehicle to a specific destination. Operating golf carts on City sidewalks for other purposes is prohibited. Golf Carts shall not be operated in areas not designated for motor vehicle use. This shall include but not be limited to public parks and public grassy areas. ~~and public walkways.~~ This ordinance shall not prohibit golf cart operation on the University path between West Schwager Drive and Burr Oak Trail if it is allowed by the University Wisconsin-Whitewater.
9. No unattended Golf Cart is permitted on any public roadway while the motor is running or a key in the ignition.
10. Golf Carts must display a slow-moving vehicle emblem. See Wis. Stat. 347.245 for the standards and specifications for the design of the emblem.
11. Golf Cart operators are subject to all Wisconsin Statutes Chapter 346 "Rules of the Road" as applicable to automobiles (including and in particular operating under the influence of alcohol or controlled substances and/or traveling with open alcohol containers).
12. Golf Carts may only be operated on roads where the speed limit is 25 miles per hour or less.

(e) **Disclaimer and Liability**

1. Disclaimer – Golf carts are not designed for nor manufactured to be operated on public streets and the City neither advocates nor endorses the golf cart as a safe means to travel on public streets, roads, highways and sidewalks. The City of Whitewater shall not be liable for accidents, injuries or death involving the operation of a golf cart on public roads.
2. Assumption of Risk – Any person who owns, operates or rides upon a golf cart on a public road or sidewalk within the City of Whitewater does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(f) **Violations**

1. Violations of this ordinance shall constitute a non-criminal violation enforceable by all duly authorized law enforcement officers of the City of Whitewater.
2. Violation penalties shall be not less than \$75.00 nor more than \$200.00 plus statutory penalty assessment, jail assessment, court costs and crime lab assessment.

Ordinance introduced by Council Member \_\_\_\_\_, who moved its adoption.

Seconded by Council Member \_\_\_\_\_.

AYES:  
NOES:  
ABSENT:  
ADOPTED:

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John Weidl, Interim City Manager

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Michele R. Smith, City Clerk



# Common Council Agenda Item

Meeting Date:	October 18, 2022
Agenda Item:	Borrowing Request: 2021-2023 CIP Note
Staff Contact:	Steve Hatton, <a href="mailto:shatton@whitewater-wi.gov">shatton@whitewater-wi.gov</a> , 262-473-1380

## BACKGROUND

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

Debt financing was planned to fund approved Capital Improvement Program (CIP) projects in the 2021-2023 budget years. Three types of borrowing were planned:

1. General Obligation bonds: These bonds have a repayment period of 20 years and were completed on March 30, 2022. Total amount of issue was \$5,130,000.
2. Revenue bonds: These bonds also have a 20-year repayment period and was completed on June 9, 2022. The total amount issued was \$8,190,000.
3. General Obligation notes: These bonds have a repayment period of up to 10 years. Notes fund projects/purchases that are not bond eligible. Budgeted amount was \$403,400. Requested amount is \$304,500 due to deferral of evidence garage to align with DPW Garage planning and actual costs incurred below budgeted amounts.

Projects planned to use this note financing are:

Expenditure Fund	Project Title	Budgeted			Requested
		FY 21	FY 22	FY 23	Total
210	Portable Radios	4,600			4,600
	Replace Inspection Unit 1300	20,000			20,000
	<b>210 Total</b>	<b>24,600</b>			<b>24,600</b>
215	550 Pickup	70,000			69,200
	F350 4X4 Pickup	40,000			33,900
	JD Snowblower/Blower/Mower	38,000			26,000
<b>215 Total</b>	<b>148,000</b>			<b>129,100</b>	
450	E. Main Street Reconstruction	81,700			81,700
	Evidence Garage	80,000			0
	Front Office Security	12,000			12,000
	Traffic Signal Update	43,100			43,100
	Yoder Lane Reconstruction	14,000			14,000
<b>450 Total</b>	<b>230,800</b>			<b>150,800</b>	
<b>Grand Total</b>		<b>403,400</b>			<b>304,500</b>

With approval, we will publish a request for proposals to banks active in municipal lending in Wisconsin.

## PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- November 17, 2020: Council approved 2021 Capital Improvement Plan
- November 16, 2021: Council approved 2022-20231 Capital Improvement Plan
- October 13, 2022: Presented to Finance Committee

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**FINANCIAL IMPACT**

(If none, state N/A)

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Each project being financed was included in previously approved Budgets (see above project schedule). The ten-year note amount will add to annual debt service burden during its amortization period until repaid. Levy Limits allow a separate Debt Service levy that does not offset the general levy used to fund operations. Debt service amortization and financing costs will be included in 2023 Budget.

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**STAFF RECOMMENDATION**

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Recommend approval of motion to complete \$403,400 borrowing to fund approved CIP projects.

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**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

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None

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## Finance Committee Agenda Item

Meeting Date: October 13, 2022

Agenda Item: 2032 Ride Share Program

Staff Contact (name, email, phone): Steve Hatton, [shatton@whitewater-wi.gov](mailto:shatton@whitewater-wi.gov), 262-473-1380

### BACKGROUND

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

The city sponsors a shared-ride taxi program in an effort to ensure adequate handicapped-accessible public transport is available to residents. Whitewater contracts the operation of this service through an area vendor, Brown Cab. Under this arrangement, the city leases three vehicles on a subsidized basis to Brown Cab, who provides drivers and management oversight to operate the service within the City plus a one-mile radius of city limits.

As fares charged to passengers are not adequate to maintain this option as a viable independent service, the program relies on annual operating and capital grants from the Wisconsin Department of Transportation (WisDOT 85.20) and Federal Transit Administration (FTA 5311) to support the program. Any shortfall in funding from fares and WisDOT/FTA grants must be funded by the City. The City budgets for this support and accounts for all program revenues and expenditures funding in Fund 235.

The outsourcing contract is subject to a competitive bidding process every five years. Whitewater last issued an RFP in 2018 for 2019-2020 service. Three additional one-year options are available to extend the service through 2023 before having to re-bid. Each option year continues the existing contract, but increases the contracted rate for the service by the August annual rate of inflation as determined by the Consumer Price Index for all items as published on the Bureau of Labor Statistics web site: <https://www.bls.gov/news.release/pdf/cpi.pdf>. The hourly cost for service charged by the vendor in recent years are outlined below along with the % change between contract years. The City has contracted for 8,079 hours of service in 2022, which translates into \$273,393. The new 2023 rate of \$36.65 translates into \$296,095 or an increase of \$22,702.

	Contract Rate	% Chg vs. prior year
2019-2020	\$31.73	9.9%
2021	\$32.14	1.3%
2022	\$33.84	5.3%
2023	\$36.65	8.3%

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Ridership has declined every year from 2012 – September 2019. The program then experienced growth in ridership through March 2020 before the impact of COVID. Farebox revenues again declined throughout 2020. 2021 recovered, but remained below 2019 levels.

Declining ridership creates an increased reliance on local funding to support the shortfall in farebox and grant income to balance the Ride-Share budget. WisDOT dedicated CARES act funding to cover decline in ridership for 2020 and 2021. WisDOT CARES funding became fully exhausted will continue into early 2022 before being exhausted.

Three vehicles are used to operate the service. All are handicapped accessible. Each requires 20% local funding with the balance coming from a Capital Grant under the FTA 5311 program. The 2016 will be due for replacement in 2023. Current fleet includes:

1. 2020 Dodge Grand Caravan
2. 2019 Dodge Grand Caravan
3. 2016 Ford E450 Mini-Bus

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**PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS**

(Dates, committees, action taken)

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11/20/2018: Common Council approved Brown Cab Service, Inc. as vendor for Ride Share program following public bidding process.

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**FINANCIAL IMPACT**

(If none, state N/A)

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The 2022 Budget for Fund 235 reflects no local funding required, consistent with estimated full year 2021 results. The 2022 application reflects a \$46,367 local funding requirement based on flat ridership, unchanged service schedule and increase in hourly rate to \$33.84. Should local funding be necessary in 2022, Fund 235 has adequate fund balance to cover the shortfall. The 2023 application is under development. Given the same schedule and exhausted CARES Act funds, it is expected that the increase in hourly cost under the contract option extension will require approximately 22,800 of local funding. Fund 235 has adequate fund balance to accommodate.

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**STAFF RECOMMENDATION**

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Approve the 2023 Ride Share Option renewal.

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**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

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None

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