



**Community Development Authority
Board of Directors Meeting**

AGENDA

Thursday, January 19, 2023 at 5:30 p.m.

**Location: Municipal Building – Community Room 1st Floor
312 W. Whitewater St., Whitewater, WI 53190**

This will be an IN-PERSON and VIRTUAL MEETING

**Citizens are welcome (and encouraged) to join us via computer, smart phone or telephone.
Citizen participation is welcome during topic discussion periods.**

You are invited to a Zoom webinar.

When: Jan 19, 2023 05:30 PM Central Time (US and Canada)

Topic: Community Development Authority Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82463833158?pwd=d09icmwwaTJSbStNdkhHWIVsNkIUZz09>

Passcode: 320728

Or Telephone:

Dial: 1-312-626-6799

Webinar ID: 824 6383 3158

Passcode: 320728

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

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. Review of City

1) Administrative Items.

a) Call to Order:

b) Roll Call:

c) Declaration of Conflict of Interest: Would any member(s) of the Board wish to declare any known conflict of interest with the items presented on today's CDA Board Agenda?

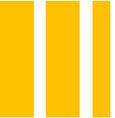
- d) **Hearing of Citizen Comments:** No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.
- 2) **Introduction of Kristin Fish-Peterson, Principal & CEO of Redevelopment Resources – Presentation “What is a CDA?”**
- 3) **Approval of Minutes:**
CDA Board Meeting December 15, 2022.
- 4) **Review and Acknowledge Financial Statements:**
Preliminary Financials for Period Ending December 31, 2022 (Hatton).
- 5) **Action Items:**
- a) Discussion and possible action regarding reduction of electric consumption of City owned street lights (Marquardt).
 - b) Discussion and possible action regarding extension of the Construction Deadline called for under the Development Agreement entered into between PropertyX LLC and the City dated March 29, 2022.
- 6) **Updates and Discussion:**
- a) Update regarding Board Member attendance and removal of Board Member.
 - b) Update regarding recruitment of grocery merchant (Weidl).
 - c) Economic Development Activity Report (Weidl).
- 7) **Board Member Requests for Future Agenda Items:**
- a) Create policy between the CDA and City regarding transfers of residual equity from the CDA to the City.
 - b) Improvement of the physical condition of Lot 9B in the Business Park.
 - c) CDA Alternative Revenue Streams.
 - d) Director to visit (virtual/in-person) with Whitewater’s employers.
 - e) Recruit Developer that would include a grocery merchant.
(The above matters may be discussed at this meeting but no substantive action will be taken.)
- 8) **EXECUTIVE SESSION. Adjourn to Closed Session, TO RECONVENE,** pursuant to Wisconsin Statutes 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Items to be discussed:
- (a) Negotiation of sale of Lot 6B (Tax Parcel 262-0515-3434-001) located on Endeavor Drive to David & Goliath LLC.
 - (b) Deliberation regarding Blue Lien Battery Intercreditor Agreement.
- 9) **RECONVENE INTO OPEN SESSION.** Possible action of Closed Session items.
- 10) **Adjournment.**

Training Module 1



Community Development Authority





What is a CDA?

A community development authority (CDA) is a separate body politic for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects and housing projects. §66.1335(1)

Authorized by City Council

Comprised of “7 resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing, as commissioners of the community development authority”. §66.1335(2)

Powers and Duties (§66.1201)

- Prepare, carry out, acquire, lease and operate housing projects **approved by the council**; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part of a housing project.
- **To act as agent for any government** in connection with the acquisition, construction, operation or management of a housing project or any part of a housing project.
- To acquire by eminent domain any real property, including improvements and fixtures on the real property.

Powers and Duties cont. (§66.1201)

- To own, hold, clear and improve property, to insure or provide for the insurance of the property or operations of the authority against any risks....
- To contract for the sale of, and to sell, any part or all the interest in real estate acquired....
- To invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control.
- To sue and be sued....



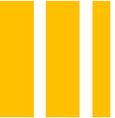
Powers and Duties cont. (§66.1333)

- Prepare redevelopment plans and urban renewal plans and undertake and carry out redevelopment and urban renewal projects within the corporate limits of the city in which it functions
- Enter into any contracts determined by the authority to be necessary to effectuate the purposes of this section.....
- Borrow money and issue bonds; execute notes, debentures, and other forms of indebtedness; apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the city in which it functions, from the federal government, the state, county, or other public body, or from any sources, public or private....



How Communities use their CDA

- Oversee planning activities – for redevelopment areas, new development areas, downtowns, or neighborhoods.
- Create and operate loan funds
- Implement redevelopment projects
- Oversee development deals
- Construct and manage public housing
- Construct and operate incubators



Who leads?

Most CDA/RDAs are staffed with City employees who serve the organization as well as the City. Watertown, Wausau, Madison, Eau Claire, Fond du Lac, Green Bay, Stevens Point

CDA/RDAs are the first stop for development approval. If incentives are involved, projects then move on to City Council for final approval.

Loan programs are run through CDA/RDAs without need for City Council approval except for original capital funding.

Larger projects involving City-owned property or incentives begin with CDA/RDA and move on to City Council for final approval in many cases.

Development/redevelopment planning takes place at CDA/RDA level and then moves to City Council for final approval/acceptance.



How do you want to use the CDA?

- Whitewater has used its CDA as...
 - Development agent for affordable housing, industrial property
 - Realtor
 - Lender
 - Business attraction agent
 - Marketer

How should it continue to operate?



Current Programs/Funds

- CDBG – Housing
- Façade Fund
- Capital Catalyst Fund
- Pauquette Center Loan Fund
- UDAG Fund
- Business Development Park
- Land
- Real Estate



Why Serve on the CDA?

- CDA members serve at the request of the City Manager, approved by the City Council.
- Motivation to serve could include (but not be limited to) the following:
 - Desire to see change in the way the community develops
 - Desire to help meet housing and other economic development needs in the community
 - Desire to serve the City with specific professional talents and skill sets
 - Desire to ensure the City is a good steward with its development incentives
 - Others?

Discussion

- What are the CDA's functions currently?
- What are the priorities?
- What is the City's charge to the CDA?
 - Are they an independent body?
 - Do they operate at the pleasure of the City Council?
 - Where is the line between what property the CDA owns and what the City owns?
 - How are they funded? Do they have their own funding sources?
- What do you want it to be?





Community Development Authority Board of Directors Meeting

MINUTES

Thursday, December 15, 2022 at 5:30 p.m.

1. Administrative Items.

- a. **Call to Order:** Chair Singer called the meeting to order at 5:30 p.m.
- b. **Roll Call:** PRESENT: Jim Allen, Lisa Dawsey-Smith, Joe Kromholz, Jason Gleason, Patrick Singer; ABSENT: Jon Kachel, Jake Gildemeister. STAFF PRESENT: John Weidl (City Manager), Steve Hatton (Finance Director), Bonnie Miller (CDA Administrative Assistant).
- c. **Declaration of Conflict of Interest:** Would any member(s) of the Board wish to declare any known conflict of interest with the items presented on today's CDA Board Agenda? None.
- d. **Hearing of Citizen Comments:** No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time. None.

2. **Approval of Minutes:** Moved by Allen to approve the Minutes of the November 17, 2022 CDA Board Meeting; seconded by Dawsey-Smith with minor revision to correct first sentence at Item 4 – Financial Statements. AYES: All by voice vote (5); NOES: None; ABSENT: Kachel, Gildemeister.

3. **Review and Acknowledge Financial Statements:** Moved by Allen and seconded by Gleason to acknowledge the Financial Statements for period ending November 30, 2022. AYES: All by voice vote (5); NOES: None; ABSENT: Kachel, Gildemeister.

4. Action Items:

- a. **CDA Rules of Procedure:** Weidl initiated a discussion regarding Board member attendance stressing the importance of attending all meetings and asked for feedback from the Board. Singer acknowledged that a member has had several recent absences. Weidl stated that he had spoken briefly with that board member who indicated that he was inclined to send a letter of resignation. As of this date, Weidl has not had a response from him and was reluctant to speak for the member. The existing CDA policy states that "If a council member fails to attend three consecutive regular meetings or fails to attend three-fourths of the regular meetings during the preceding twelve months, the board may request that the Common Council select another individual to serve out the commissioner's term." Weidl will send a letter to the board member and report back at the next meeting. After further discussion, the Board acknowledged a

possible need to revise the policy to include exceptions for certain circumstances. This item will be scheduled for further discussion and possible action at the January 2023 meeting.

5. Updates and Discussion:

- a. Discussion regarding Economic Development Director Timeline. Weidl proposed that we bring in someone to work with the CDA and City Council to very clearly outline the roles and responsibilities and the reporting structure. This person would serve to facilitate designing an “interview panel” consisting of multiple CDA members and staff for purposes of recruiting a CDA Director so that the process of searching for a CDA Director would follow a proscribed process so the position would have a very clear reporting structure. Weidl’s single most concern was that the lack of clear structure in the past has contributed to the perceived “tension” that has existed. Training of the CDA and City Council would involve understanding the responsibilities of each body and a clear reporting structure. Weidl asked the Board for feedback regarding this matter. Singer acknowledged a history of ups and downs and supports Weidl’s proposal. Weidl stated that his proposal has already been scoped down pursuant to feedback he received from the Council and would like to be in a position to set a timeline line for implementing the proposal at the next CDA meeting. Kromholz, Gleason and Allen concurred. Weidl acknowledged that he received proposals from two individuals. Weidl’s preferred proposal based on qualifications and experience level was included in the Agenda Packet for this meeting. Allen requested that a review of the Charter that created the CDA be included in the review. Weidl will refer this matter back to the Council in January and will report back to the Board at the January CDA Meeting.

Note: Jon Kachel joined the panel remotely at 5:48 p.m.

- b. Discussion regarding Starin Road Site Development Concept. Weidl acknowledged that the Council has reviewed the Starin Road Site Development Concept prepared by Vandewalle prior to his appointment as City Manager. Weidl anticipates that the CDA will likely be doing something with this development concept in 2023 and would like the Board to familiar with it. Vandewalle suggested sending this out to potential developers in the region to generate interest in the project. Allen would like to see smaller lot sizes and eliminate the use of a pie shaped lots. Kromholz favored proceeding to promote the concept as is and request potential revisions from Vandewalle if any interest in the project is generated. Kachel suggested also sharing the proposal with local realtors.
- c. Economic Development Activity Report. Weidl deferred discussion of specific economic activity to Closed Session scheduled later in the Agenda.

6. Board Member Requests for Future Agenda Items:

- a. Create policy between the CDA and City regarding transfers of residual equity from the CDA to the City.
- b. Improvement of the physical condition of Lot 9B in the Business Park.
- c. CDA Alternative Revenue Streams.
- d. Director to visit (virtual/in-person) with Whitewater’s employers.
- e. Recruit Developer that would include a grocery merchant.

Weidl asked if there is anything on the list that should be elevated to higher importance before the next meeting. Singer requested an update on Item 6(e) regarding recruitment of a grocery merchant. Weidl stated that he with Ron Binning from the GroCo this morning. Weidl stated that there had been interest from some “dollar store” type businesses but no grocery stores. Weidl stated that he will be visiting a small grocery store in East Troy that was recommended by

a Broker, and he would report back to the Board at the next meeting. Kachel requested clarification regarding source of funds for hiring the consultant. Hatton stated that the funds were coming from funds budgeted for CDA Director salary. Weidl stated that this is a budget-neutral item.

(The above matters may be discussed at this meeting but no substantive action will be taken.)

7. **EXECUTIVE SESSION.** Moved by Singer and seconded by Allen to adjourn to Closed Session, **TO RECONVENE**, pursuant to Wisconsin Statutes 19.85(1)(e) “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Items to be discussed:

- (a) Potential sale of Business Park lot located on the corner of Prospect and Endeavor to David & Goliath.

Roll Call: AYES: Allen, Kromholz, Dawsey-Smith, Gleason, Singer, Kachel; NOES: None; ABSENT: Gildemeister.

8. **RECONVENE INTO OPEN SESSION.** Moved by Allen and seconded by Gleason to reconvene into open session. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister. No action taken.
9. **Adjournment.** Moved by Allen and seconded by Dawsey-Smith to adjourn. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

Respectfully submitted,

Bonnie Miller, Recorder

Minutes approved: January ____, 2023.

CITY OF WHITEWATER
REVENUES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2022

ECONOMIC DEVELOPMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>OTHER FINANCING SOURCES</u>					
900-49265-56 TRANSFER TID #4 AFFORD HOUSING	.00	50,000.00	50,000.00	.00	100.0
900-49290-56 GENERAL FUND TRANSFER	.00	117,343.00	117,342.99	(.01)	100.0
900-49300-56 FUND BALANCE APPLIED	.00	.00	2,517.46	2,517.46	.0
TOTAL OTHER FINANCING SOURCES	.00	167,343.00	169,860.45	2,517.45	98.5
TOTAL FUND REVENUE	.00	167,343.00	169,860.45	2,517.45	98.5

CITY OF WHITEWATER
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2022

ECONOMIC DEVELOPMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>CDA</u>					
900-56500-111 SALARIES	850.00	43,171.95	77,351.72	34,179.77	55.8
900-56500-115 WAGES/PART-TIME/PERMANENT	675.84	41,267.46	22,129.35	(19,138.11)	186.5
900-56500-151 FRINGE BENEFITS	.00	12,623.80	24,934.24	12,310.44	50.6
900-56500-210 PROFESSIONAL DEVELOPMENT	.00	665.00	3,500.00	2,835.00	19.0
900-56500-212 LEGAL SERVICES	.00	375.00	12,500.00	12,125.00	3.0
900-56500-215 PROFESSIONAL SERVICES	.00	1,510.75	2,500.00	989.25	60.4
900-56500-219 AUDIT FEES	.00	.00	4,000.00	4,000.00	.0
900-56500-222 COUNTY/REGIONAL ECON DEV	.00	8,436.00	9,250.00	814.00	91.2
900-56500-223 MARKETING	.00	833.18	2,500.00	1,666.82	33.3
900-56500-224 SOFTWARE/HARDWARE MAINTENANCE	.00	4,030.17	3,344.43	(685.74)	120.5
900-56500-225 TELECOM/INTERNET/COMMUNICATION	.00	1,995.54	2,120.71	125.17	94.1
900-56500-310 OFFICE & OPERATING SUPPLIES	.00	445.33	600.00	154.67	74.2
900-56500-311 POSTAGE	.00	90.64	200.00	109.36	45.3
900-56500-320 DUES	.00	.00	1,180.00	1,180.00	.0
900-56500-325 PUBLIC EDUCATION	.00	96.00	50.00	(46.00)	192.0
900-56500-330 TRAVEL EXPENSE	.00	1,903.77	3,700.00	1,796.23	51.5
900-56500-341 MISC EXPENSE	.00	160.00	.00	(160.00)	.0
TOTAL CDA	1,525.84	117,604.59	169,860.45	52,255.86	69.2
TOTAL FUND EXPENDITURES	1,525.84	117,604.59	169,860.45	52,255.86	69.2
NET REVENUE OVER EXPENDITURES	(1,525.84)	49,738.41	.00	(49,738.41)	.0

Report Criteria:

Report type: GL detail

Invoice Detail.GL account = 9001000000-9009999999,9101000000-9109999999

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Notes	Description	Invoice Number	Invoice GL Account	Invoice Amount
900									
12/22	12/08/2022	94439	8484	ORANGE WHIP DESIGN LLC		2023 CITY GUIDE DESIGN	001209_WW	900-56500-325	57.00
12/22	12/15/2022	94489	8438	JAMES LEASING LLC		NOV 2022 COPIES CHARGE	10810	900-56500-310	20.43
12/22	12/22/2022	900178	8487	US BANK	THE BUSINESS JOURNALS-	CDA-The Business Journal Subscription	DECEMBER	900-56500-341	160.00
Total 900:									237.43
Grand Totals:									237.43

**CITY OF WHITEWATER
BALANCE SHEET
DECEMBER 31, 2022**

ECONOMIC DEVELOPMENT FUND

	BEGINNING BALANCE	ACTUAL THIS MONTH	ACTUAL THIS YEAR	ENDING BALANCE
<u>ASSETS</u>				
900-11100 CASH	2,924.91	(1,525.84)	42,838.18	45,763.09
900-19000 GASB 68-WRS NET PENSION ASSETS	27,755.39	.00	.00	27,755.39
900-19021 GASB 68-WRS DOR	45,943.68	.00	.00	45,943.68
900-19999 GASB 68-PENSION CLEARING ACCT	(10,378.68)	.00	.00	(10,378.68)
TOTAL ASSETS	66,245.30	(1,525.84)	42,838.18	109,083.48
<u>LIABILITIES AND EQUITY</u>				
<u>LIABILITIES</u>				
900-21100 ACCOUNTS PAYABLE	1,852.01	.00 (	1,852.01)	.00
900-21106 WAGES CLEARING	3,551.84	.00 (	3,551.84)	.00
900-25100 DUE TO GENERAL FUND	1,496.38	.00 (	1,496.38)	.00
900-29011 GASB 68-WRS DIR	60,841.45	.00	.00	60,841.45
TOTAL LIABILITIES	67,741.68	.00 (	6,900.23)	60,841.45
<u>FUND EQUITY</u>				
900-34300 PROPRIETARY CAPITAL	(1,496.38)	.00	.00 (	1,496.38)
UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	.00	(1,525.84)	49,738.41	49,738.41
BALANCE - CURRENT DATE	.00	(1,525.84)	49,738.41	49,738.41
TOTAL FUND EQUITY	(1,496.38)	(1,525.84)	49,738.41	48,242.03
TOTAL LIABILITIES AND EQUITY	66,245.30	(1,525.84)	42,838.18	109,083.48

CITY OF WHITEWATER
REVENUES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2022

CDA PROGRAMS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>CAPITAL CAT-SEED FUND REV</u>					
910-43015-00	CAPCAT INT-BLUE LINE	.00	8,020.97	.00 (8,020.97)	.0
	TOTAL CAPITAL CAT-SEED FUND REV	.00	8,020.97	.00 (8,020.97)	.0
<u>ACTION LOAN REVENUE</u>					
910-46001-00	INT INC-ACTION-LRN DEPOT \$41K	.00	1,248.35	.00 (1,248.35)	.0
910-46003-00	INT INC-ACTION-BIKEWISE \$23K	.00	580.02	.00 (580.02)	.0
910-46004-00	INT INC-ACTION-MEEPER \$97K	.00	1,414.85	.00 (1,414.85)	.0
910-46005-00	INT INC-ACTION-MEEPER \$82K	.00	1,232.29	.00 (1,232.29)	.0
910-46006-00	INT INC-ACTION-BLUELINE \$34K	.00	1,136.35	.00 (1,136.35)	.0
910-46007-00	INT INC-ACTION-BLUELINE \$45K	.00	1,221.46	.00 (1,221.46)	.0
910-46008-00	INT INC-ACTION-SAFEPRO \$100K	.00	300.00	.00 (300.00)	.0
	TOTAL ACTION LOAN REVENUE	.00	7,133.32	.00 (7,133.32)	.0
<u>MISCELLANEOUS REVENUE</u>					
910-48103-00	INTEREST INCOME-FACADE	.00	440.12	.00 (440.12)	.0
910-48104-00	INTEREST INCOME-HOUSING	.00	159.83	.00 (159.83)	.0
910-48108-00	INTEREST INCOME-SEED FUND	.00	5.20	.00 (5.20)	.0
910-48109-00	INTEREST INCOME-ACTION FUND	.00	9,923.74	.00 (9,923.74)	.0
910-48605-00	RENTAL INCOME-CROP LEASES	.00	14,875.50	.00 (14,875.50)	.0
910-48680-00	ADMINISTRATION FEE--LOANS	.00	2,770.00	.00 (2,770.00)	.0
910-48700-00	GAIN ON SALE OF LAND	.00	250,547.55	.00 (250,547.55)	.0
	TOTAL MISCELLANEOUS REVENUE	.00	278,721.94	.00 (278,721.94)	.0
	TOTAL FUND REVENUE	.00	293,876.23	.00 (293,876.23)	.0

CITY OF WHITEWATER
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING DECEMBER 31, 2022

CDA PROGRAMS FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET AMOUNT	VARIANCE	% OF BUDGET
<u>CDA PROGRAMS</u>					
910-56500-212	.00	12,785.00	.00	(12,785.00)	.0
910-56500-219	.00	8,981.54	.00	(8,981.54)	.0
910-56500-295	.00	3,500.00	.00	(3,500.00)	.0
910-56500-323	.00	211.56	.00	(211.56)	.0
910-56500-401	.00	27,291.35	.00	(27,291.35)	.0
910-56500-404	.00	40.00	.00	(40.00)	.0
910-56500-408	.00	253,127.85	.00	(253,127.85)	.0
TOTAL CDA PROGRAMS	.00	305,937.30	.00	(305,937.30)	.0
TOTAL FUND EXPENDITURES	.00	305,937.30	.00	(305,937.30)	.0
NET REVENUE OVER EXPENDITURES	.00	(12,061.07)	.00	12,061.07	.0

910.11600 HOUSING RLF / XXX553	Total Deposit	Debit	910-11600	-
HO# 1 Payment	Principal	Credit	910-14027	
HO# 11 Payoff	Principal	Credit	910-14037	
910.11800 ACTION-BUSINESS DEV / XXX	Total Deposit	Credit	910-11800	5,114.60
PAUQUETTE CENTER LOAN RECV	Principal	Debit	910-13500	(1,289.52) 12-05-2022 ACH PAYMENT
ACTION-BIKEWISE-\$23,099	Principal	Credit	910-13503	(1,955.52) 12/27/2022 CK 10745
INT INC-ACTION-BIKEWISE \$23K	Interest	Credit	910-46003-00	(44.48) 12/27/2022 CK 10745
ACTION-BLUE LINE \$34,520	Principal	Credit	910-13506	(369.95) 12-06-2022 ACH PAYMENT
INT INC-ACTION-BLUELINE \$34K	Interest	Credit	910-46006-00	(87.81) 12-06-2022 ACH PAYMENT
ACTION-BLUE LINE \$45,457	Principal	Debit	910-13507	(450.97) 12-08-2022 ACH PAYMENT
INT INC-ACTION-BLUELINE \$45K	Interest	Credit	910-46007-00	(118.30) 12-08-2022 ACH PAYMENT
ACTION-MEEPER TECH-\$97,907	Principal	Credit	910-13504	REQUESTED TO HAVE ALL PAYMENTS STOPPED
INT INC-ACTION-MEEPER \$97K	Interest	Credit	910-46004-00	REQUESTED TO HAVE ALL PAYMENTS STOPPED
ACTION-MEEPER-\$82,310	Principal	Credit	910-13505	REQUESTED TO HAVE ALL PAYMENTS STOPPED
INT INC-ACTION-MEEPER \$82K	Interest	Credit	910-46005-00	REQUESTED TO HAVE ALL PAYMENTS STOPPED
ACTION-LEARNING DEPOT \$41,294	Principal	Credit	910-13501	(604.98) 12-06-2022 ACH PAYMENT
INT INC-ACTION-LRN DEPOT \$41K	Interest	Credit	910-46001-00	(93.07) 12-06-2022 ACH PAYMENT
ACTION-SAFEPRO TECH \$100K	Principal	Credit	910-13509	
INT INC-ACTION-SAFEPRO \$100K	Interest	Credit	910-46008-00	(100.00) 12-01-2022 ACH PAYMENT
910.11900-CAP CATALYST-ASSOC. BANK	Total Deposit	Credit	910-11900	-
BLUE LINE BATTERY \$64,614 K	Interest	Credit	910-43015	
LEGAL/PROFESSIONAL/MARKETING			910-56500-212	35.00 Dollar General Legal
ACTION-BUS DEV-BUS PARK-XXX127			910-11800	(35.00) Dollar General Legal
LAND			910-18350	262.50 402 N Newcomb St Title Search
ACTION-LAND PURCHASE-XXX127			910-11801	(262.50) 402 N Newcomb St Title Search
FACADE CKING-1ST CIT- XXX442			910-11702	
FACADE-BOWERS HOUSE LLC \$50K			910-16008	

**CITY OF WHITEWATER
BALANCE SHEET
DECEMBER 31, 2022**

CDA PROGRAMS FUND

	BEGINNING BALANCE	ACTUAL THIS MONTH	ACTUAL THIS YEAR	ENDING BALANCE
<u>LIABILITIES</u>				
910-22000 ACCUM DEPREC-BUILDING	1,343,994.20	.00	.00	1,343,994.20
910-25100 DUE TO GENERAL FUND	1,247.43	.00 (	747.43)	500.00
TOTAL LIABILITIES	1,345,241.63	.00 (	747.43)	1,344,494.20
<u>FUND EQUITY</u>				
910-30110 CONTRIBUTED CAPITAL	456,815.37	.00	.00	456,815.37
910-34300 PROPRIETARY CAPITAL	6,903,406.99	.00 (	127,923.00)	6,775,483.99
910-34400 RESERVE FOR LAND PURCHASES	110,108.94	.00	127,923.00	238,031.94
UNAPPROPRIATED FUND BALANCE: REVENUE OVER EXPENDITURES - YTD	.00	.00 (	12,061.07) (	12,061.07)
BALANCE - CURRENT DATE	.00	.00 (	12,061.07) (	12,061.07)
TOTAL FUND EQUITY	7,470,331.30	.00 (	12,061.07)	7,458,270.23
TOTAL LIABILITIES AND EQUITY	8,815,572.93	.00 (	12,808.50)	8,802,764.43

**CITY OF WHITEWATER
BALANCE SHEET
DECEMBER 31, 2022**

CDA PROGRAMS FUND

	BEGINNING BALANCE	ACTUAL THIS MONTH	ACTUAL THIS YEAR	ENDING BALANCE
<u>ASSETS</u>				
910-11600 CDBG-HOUSING CHK-1CSB XXX450	17,955.87	.00 (	4,165.17)	13,790.70
910-11702 FACADE CKING-1ST CIT- XXX442	48,253.83	.00 (	24,559.88)	23,693.95
910-11800 ACTION-BUS DEV-BUS PARK-XXX127	628,512.96	.00 (	134,203.93)	494,309.03
910-11801 ACTION-LAND PURCHASE-XXX127	110,108.94	.00	359,338.50	469,447.44
910-11806 ACTION-DONATIONS (CEV)-XXX127	3,500.00	.00 (	3,500.00)	.00
910-11900 CAP CAT-ASSOC BK XXXXX3734	1,108.49	.00	8,026.17	9,134.66
910-13500 PAUQUETTE CENTER LOAN RECV	142,845.76	.00 (	15,474.24)	127,371.52
910-13501 ACTION-LEARNING DEPOT \$41,294	34,445.39	.00 (	7,128.25)	27,317.14
910-13503 ACTION-BIKEWISE-\$23,099	17,037.59	.00 (	12,321.35)	4,716.24
910-13504 ACTION-MEEPER TECH-\$97,907	86,916.90	.00 (	5,125.27)	81,791.63
910-13505 ACTION-MEEPER-\$82,310	74,833.58	.00 (	3,019.09)	71,814.49
910-13506 ACTION-BLUE LINE \$34,520	30,178.83	.00 (	4,203.38)	25,975.45
910-13507 ACTION-BLUE LINE \$45,457	40,802.73	.00 (	5,763.17)	35,039.56
910-13508 ACTION-FINE FOOD ARTS \$31,810	30,000.00	.00	.00	30,000.00
910-13509 ACTION-SAFEPRO TECH \$100K	.00	.00	100,000.00	100,000.00
910-13510 ACTION-SWSPOT/GILDEMEISTER 54K	.00	.00	54,000.00	54,000.00
910-13999 ACTION LOAN-LOAN LOSS RESERVE	(53,273.32)	.00	.00	(53,273.32)
910-14000 CDBG HOUSING-MO301	8,220.00	.00	.00	8,220.00
910-14001 CDBG HOUSING-A8416	10,203.84	.00	.00	10,203.84
910-14003 CDBG HOUSING-B935	18,420.02	.00	.00	18,420.02
910-14006 CDBG HOUSING-C932	8,062.00	.00	.00	8,062.00
910-14009 CDBG HOUSING-J8802	10,818.00	.00	.00	10,818.00
910-14011 CDBG HOUSING-M8501	11,000.90	.00	.00	11,000.90
910-14013 CDBG HOUSING-P954	11,000.00	.00	.00	11,000.00
910-14016 CDBG HOUSING-V902	12,504.15	.00	.00	12,504.15
910-14025 CDBG HOUSING-M0801	18,422.00	.00	.00	18,422.00
910-14026 CDBG HOUSING-B0803-0901	34,448.00	.00	.00	34,448.00
910-14030 CDBG HOUSING-HO#13-2016	8,000.00	.00	.00	8,000.00
910-14031 CDBG HOUSING-HO#4	37,795.00	.00	.00	37,795.00
910-14038 CDBG HOUSING-HO#14	18,000.00	.00	.00	18,000.00
910-14039 CDBG HOUSING-HO#15	36,815.00	.00	.00	36,815.00
910-14040 CDBG HOUSING-HO#18	.00	.00	4,235.00	4,235.00
910-15000 CAP CAT-SLIPSTREAM-\$102,500	102,500.00	.00	.00	102,500.00
910-15003 CAP CAT-SLIPSTREAM-\$42,000	42,000.00	.00	.00	42,000.00
910-15004 CAP CAT-MEEPER TECH-\$102,000	102,000.00	.00	.00	102,000.00
910-15006 CAP CAT- ROYAL-INVENT-27.5K	27,500.00	.00	.00	27,500.00
910-15011 CAP CAT-ROYAL-SCANALYTICS-95K	97,500.00	.00	.00	97,500.00
910-15012 CAP CAT-ROYAL-INVENTALATOR-75K	77,500.00	.00	.00	77,500.00
910-15015 CAP CAT-BLUELINE BATT-\$64,614	64,614.00	.00	.00	64,614.00
910-15017 CAP CAT-BLUELINE BATT \$36,600	36,600.00	.00	.00	36,600.00
910-15018 CAP CAT-RECRUITCHUTE \$51,050	51,050.00	.00	.00	51,050.00
910-16008 FACADE-BOWERS HOUSE LLC \$50K	.00	.00	75,000.00	75,000.00
910-17002 UDAG-SLIPSTREAM-LOC	12,500.00	.00	.00	12,500.00
910-17999 UDAG-LOAN LOSS RESERVE	(12,500.00)	.00	.00	(12,500.00)
910-18100 DUE FROM GENERAL FUND	50,000.00	.00 (	50,000.00)	.00
910-18350 LAND	481,816.32	.00 (	206,382.29)	275,434.03
910-18360 REAL ESTATE	6,225,556.15	.00 (	137,562.15)	6,087,994.00
TOTAL ASSETS	8,815,572.93	.00 (	12,808.50)	8,802,764.43
<u>LIABILITIES AND EQUITY</u>				

ACTION FUND		ORIGINAL	11/30/2022				12/31/2022		12/31/2022		NOTES
ACCT #	CLIENT	LOAN	BALANCE	PRINCIPAL	INTEREST	TOTAL	BALANCE	GL Balance			
910-13500	PAUQUETTE CENTER LOAN RECV	\$88,660.00	\$128,661.04	1,289.52	0.00	1,289.52	\$127,371.52	\$127,371.52	\$0.00	Current	
910-13501	ACTION-LEARNING DEPOT \$41,294	\$41,294.63	\$27,922.12	604.98	93.07	698.05	\$27,317.14	\$27,317.14	\$0.00	Current	
910-13502	ACTION-IBUTTONLINK \$9,682	\$9,682.42	\$0.00	0.00	0.00	0.00	\$0.00	\$0.00	\$0.00	Loan Satisfied 07-27-2021	
910-13503	ACTION-BIKewise-\$23,099	\$23,099.36	\$6,671.76	1,955.52	44.48	2,000.00	\$4,716.24	\$4,716.24	\$0.00	Delinquent	
910-13504	ACTION-MEEPER TECH-\$97,907	\$97,907.69	\$81,791.63	0.00	0.00	0.00	\$81,791.63	\$81,791.63	\$0.00	In Default	
910-13505	ACTION-MEEPER-\$82,310	\$82,310.00	\$71,814.49	0.00	0.00	0.00	\$71,814.49	\$71,814.49	\$0.00	In Default	
910-13506	ACTION-BLUE LINE \$34,520	\$34,520.75	\$26,345.40	369.95	87.81	457.76	\$25,975.45	\$25,975.45	\$0.00	Current	
910-13507	ACTION-BLUE LINE \$45,457	\$45,457.82	\$35,490.53	450.97	118.30	569.27	\$35,039.56	\$35,039.56	\$0.00	Current	
910-13508	ACTION-FINE FOOD ARTS \$31,810	\$30,000.00	\$30,000.00	0.00	0.00	0.00	\$30,000.00	\$30,000.00	\$0.00	In Default	
910-13509	ACTION-SAFEPRO TECH \$100K	\$104,940.00	\$100,000.00	0.00	100.00	100.00	\$100,000.00	\$100,000.00	\$0.00	New loan April 2022	
910-13510	ACTION-SWSPOT/GILDEMEISTER 54K	\$54,000.00	\$54,000.00	0.00	0.00	0.00	\$54,000.00	\$54,000.00	\$0.00	New loan June 2022	
910-17002	UDAG-SLIPSTREAM-LOC	\$12,500.00	\$12,500.00	0.00	0.00	0.00	\$12,500.00	\$12,500.00	\$0.00		
TOTALS		\$624,372.67	\$584,213.91	\$4,670.94	\$443.66	\$5,114.60	\$570,526.03	\$570,526.03	\$0.00		
910-13999	ACTION LOAN-LOAN LOSS RESERVE		(\$53,273.32)	0.00	0.00	0.00	(\$53,273.32)	(\$53,273.32)			
910-17999	UDAG-LOAN LOSS RESERVE		(\$12,500.00)	0.00	0.00	0.00	(\$12,500.00)	(\$12,500.00)			

FAÇADE LOAN		ORIGINAL	11/30/2022				12/31/2022		12/31/2022		NOTES
ACCT #	CLIENT	LOAN	BALANCE	PRINCIPAL	INTEREST	TOTAL	BALANCE	GL Balance			
910-16008	FAÇADE-BOWERS HOUSE LLC \$50K	-	50,000.00	-	-	-	50,000.00	75,000.00	(25,000.00)	New loan April 2022	
TOTALS		\$-	\$ 50,000.00	\$-	\$-	\$-	\$ 50,000.00	\$ 75,000.00	\$ (25,000.00)		

CAPITAL CATALYST		ORIGINAL	11/30/2022				12/31/2022		12/31/2022		NOTES
ACCT #	CLIENT	LOAN	BALANCE	PRINCIPAL	INTEREST	TOTAL	BALANCE	GL Balance			
910-15000	CAP CAT-SLIPSTREAM-\$102,500	\$102,500.00	\$102,500.00	0.00	0.00	0.00	\$102,500.00	\$102,500.00	\$0.00	interest only	
910-15003	CAP CAT-SLIPSTREAM-\$42,000	\$42,000.00	\$42,000.00	0.00	0.00	0.00	\$42,000.00	\$42,000.00	\$0.00	annual net revenue royalty-no payments have been received.	
910-15004	CAP CAT-MEEPER TECH-\$102,000	\$102,000.00	\$102,000.00	0.00	0.00	0.00	\$102,000.00	\$102,000.00	\$0.00	annual net revenue royalty-no payments have been received.	
910-15006	CAP CAT- ROYAL-INVENT-27.5K	\$27,500.00	\$27,500.00	0.00	0.00	0.00	\$27,500.00	\$27,500.00	\$0.00	annual net revenue royalty-no payments have been received.	
910-15011	CAP CAT-ROYAL-SCANALYTICS-95K	\$97,500.00	\$97,500.00	0.00	0.00	0.00	\$97,500.00	\$97,500.00	\$0.00	annual net revenue royalty-first payment due October 2016	
910-15012	CAP CAT-ROYAL-INVENTALATOR-75K	\$77,500.00	\$77,500.00	0.00	0.00	0.00	\$77,500.00	\$77,500.00	\$0.00	First payment received 08-21-2018	
910-15015	CAP CAT-BLUELINE BATT-\$64,614	\$64,614.00	\$64,614.00	0.00	0.00	0.00	\$64,614.00	\$64,614.00	\$0.00		
910-15017	CAP CAT-BLUELINE BATT \$36,600	\$36,600.00	\$36,600.00	0.00	0.00	0.00	\$36,600.00	\$36,600.00	\$0.00		
910-15018	CAP CAT-RECRUITCHUTE \$51,050	\$51,050.00	\$51,050.00	0.00	0.00	0.00	\$51,050.00	\$51,050.00	\$0.00		
TOTALS		\$601,264.00	\$601,264.00	\$0.00	\$0.00	\$0.00	\$601,264.00	\$601,264.00	\$0.00	NOTES	
910-15999	CAP CAT-LOAN LOSS RESERVE		\$0.00					\$0.00			

HOUSING		ORIGINAL	11/30/2022				12/31/2022		12/31/2022		NOTES
ACCT #	CLIENT	LOAN	BALANCE	PRINCIPAL	INTEREST	TOTAL	BALANCE	GL Balance			
910-14000	CDBG HOUSING-MO301	\$8,220.00	\$8,220.00	0.00	0.00	0.00	\$8,220.00	\$8,220.00	\$0.00	Current	
910-14001	CDBG HOUSING-A8416	\$10,203.84	\$10,203.84	0.00	0.00	0.00	\$10,203.84	\$10,203.84	\$0.00		
910-14003	CDBG HOUSING-B935	\$18,420.02	\$18,420.02	0.00	0.00	0.00	\$18,420.02	\$18,420.02	\$0.00		
910-14006	CDBG HOUSING-C932	\$8,062.00	\$8,062.00	0.00	0.00	0.00	\$8,062.00	\$8,062.00	\$0.00		
910-14009	CDBG HOUSING-J8802	\$10,818.00	\$10,818.00	0.00	0.00	0.00	\$10,818.00	\$10,818.00	\$0.00		
910-14011	CDBG HOUSING-M8501	\$11,000.90	\$11,000.90	0.00	0.00	0.00	\$11,000.90	\$11,000.90	\$0.00		
910-14013	CDBG HOUSING-P954	\$11,000.00	\$11,000.00	0.00	0.00	0.00	\$11,000.00	\$11,000.00	\$0.00		
910-14016	CDBG HOUSING-V902	\$12,504.15	\$12,504.15	0.00	0.00	0.00	\$12,504.15	\$12,504.15	\$0.00		
910-14025	CDBG HOUSING-M0801	\$18,422.00	\$18,422.00	0.00	0.00	0.00	\$18,422.00	\$18,422.00	\$0.00		
910-14026	CDBG HOUSING-B0803-0901	\$34,448.00	\$34,448.00	0.00	0.00	0.00	\$34,448.00	\$34,448.00	\$0.00		
910-14030	CDBG HOUSING-HO#13-2016	\$8,000.00	\$8,000.00	0.00	0.00	0.00	\$8,000.00	\$8,000.00	\$0.00		
910-14031	CDBG HOUSING-HO#4	\$37,795.00	\$37,795.00	0.00	0.00	0.00	\$37,795.00	\$37,795.00	\$0.00		
910-14038	CDBG HOUSING-HO#14	\$14,671.00	\$18,000.00	0.00	0.00	0.00	\$18,000.00	\$18,000.00	\$0.00		
910-14039	CDBG HOUSING-HO#15	\$21,090.00	\$36,815.00	0.00	0.00	0.00	\$36,815.00	\$36,815.00	\$0.00		
910-14040	CDBG HOUSING-HO#18	\$4,235.00	\$4,235.00	0.00	0.00	0.00	\$4,235.00	\$4,235.00	\$0.00		
TOTALS		\$228,889.91	\$247,943.91	\$0.00	\$0.00	\$0.00	\$247,943.91	\$247,943.91	\$0.00		
910-14999	CDBG HOUSING-LOAN LOSS RESERVE		\$0.00					\$0.00			
910-35000	GENERAL LOAN LOSS RESERVE		\$0.00					\$0.00			

Account Name	CDA Operating	Action Bus Dev (UDAG) Checking	Façade Checking	CDBG Housing	Capital Cat Checking
Fund Account Number	Fund 900	Fund 910 xxx-127	Fund 910 xxx-442	Fund 910 xxx-450	Fund 910 xxxxxx3734
Bank	1st Citizens	1st Citizens	1st Citizens	1st Citizens	Associated
Interest Rate	3.48%	3.48%	3.48%	3.48%	0.25%
GL Account Number(s)	900-11100	910-11800 910-11801 910-11806	910-11702	910-11600	910-11900
GL Balance as of:					
01/31/2022	36,142.50	778,017.79	48,256.47	17,906.85	1,108.58
02/28/2022	19,109.24	801,151.59	48,259.16	13,997.64	1,108.67
03/31/2022	8,172.91	896,389.22	48,262.70	13,998.67	1,108.76
04/30/2022	41,737.78	548,362.38	48,267.82	13,635.13	1,108.85
05/31/2022	29,441.85	537,221.02	48,278.66	13,638.19	1,108.94
06/30/2022	24,425.41	474,394.36	48,299.88	13,644.18	1,109.09
07/31/2022	18,673.95	476,879.17	48,332.72	13,653.46	1,109.33
08/31/2022	12,479.29	944,815.37	48,393.66	13,670.67	1,109.57
09/30/2022	9,778.45	947,454.93	48,473.61	13,693.25	1,109.80
10/31/2022	70,610.54	941,037.42	48,570.01	13,720.48	1,110.04
11/30/2022	51,923.25	956,241.31	23,627.48	13,752.01	9,132.72
12/31/2022	47,288.93	963,756.47	23,693.95	13,790.70	9,134.66
Outstanding items					
Current Bank Balance	47,288.93	963,756.47	23,693.95	13,790.70	9,134.66
Difference:	0.00	0.00	0.00	0.00	0.00

Monthly GL bank balances may not agree with the actual month end bank account balances due to outstanding items.

December 2022 Interest Income

ACTION-BUS DEV-BUS PARK-XXX127	910-11800	2,698.06	December 2022 Interest Income
FACADE CKING-1ST CIT- XXX442	910-11702	66.47	December 2022 Interest Income
CDBG-HOUSING CHK-1CSB XXX450	910-11600	38.69	December 2022 Interest Income
CAP CAT-ASSOC BK XXXXX3734	910-11900	1.94	December 2022 Interest Income
INTEREST INCOME-ACTION FUND	910-48109-00	(2,698.06)	December 2022 Interest Income
INTEREST INCOME-FACADE	910-48103-00	(66.47)	December 2022 Interest Income
INTEREST INCOME-HOUSING	910-48104-00	(38.69)	December 2022 Interest Income
INTEREST INCOME-SEED FUND	910-48108-00	(1.94)	December 2022 Interest Income



CDA Agenda Item

Meeting Date: January 19, 2023

Agenda Item: Street Lights Turned Off

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

BACKGROUND

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

As part of balancing the 2024 budget, several items were proposed during the Budget Briefings at Council meetings. One item that was listed in both the Referendum Passing option and the Referendum Fails option was the reduction of street light electric consumption. To make this happen, City owned street lights will be turned off on Starin Road, Executive Drive, Prospect Drive, Industrial Drive, Universal Boulevard and Howard Road as indicated on the enclosed map starting January 2, 2023.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Common Council passed the budget November 15, 2022 which included the reduction of street light electrical consumption initiative.

FINANCIAL IMPACT

(If none, state N/A)

The estimated electrical consumption was estimated at \$50,000. In actuality, since we are unable to turn off WE Energies lights, the estimated savings is \$5,000.

STAFF RECOMMENDATION

Per WE Energies, lights owned by them cannot be temporarily disconnected as stated in the tariffs. The only way to turn a light off would be to remove the light. There would be a cost associated with installing new lights if they were to be turned back on. This leaves only City owned lights that can be turned off. Besides the areas identified on the map, the lights on Prince Street adjacent to the campus and the decorative lights downtown are also city owned. However, due to their locations, staff is not suggesting these lights to be turned off. Staffs recommendation is to turn the lights off as identified on the enclosed map.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Budget Briefing
2. Map

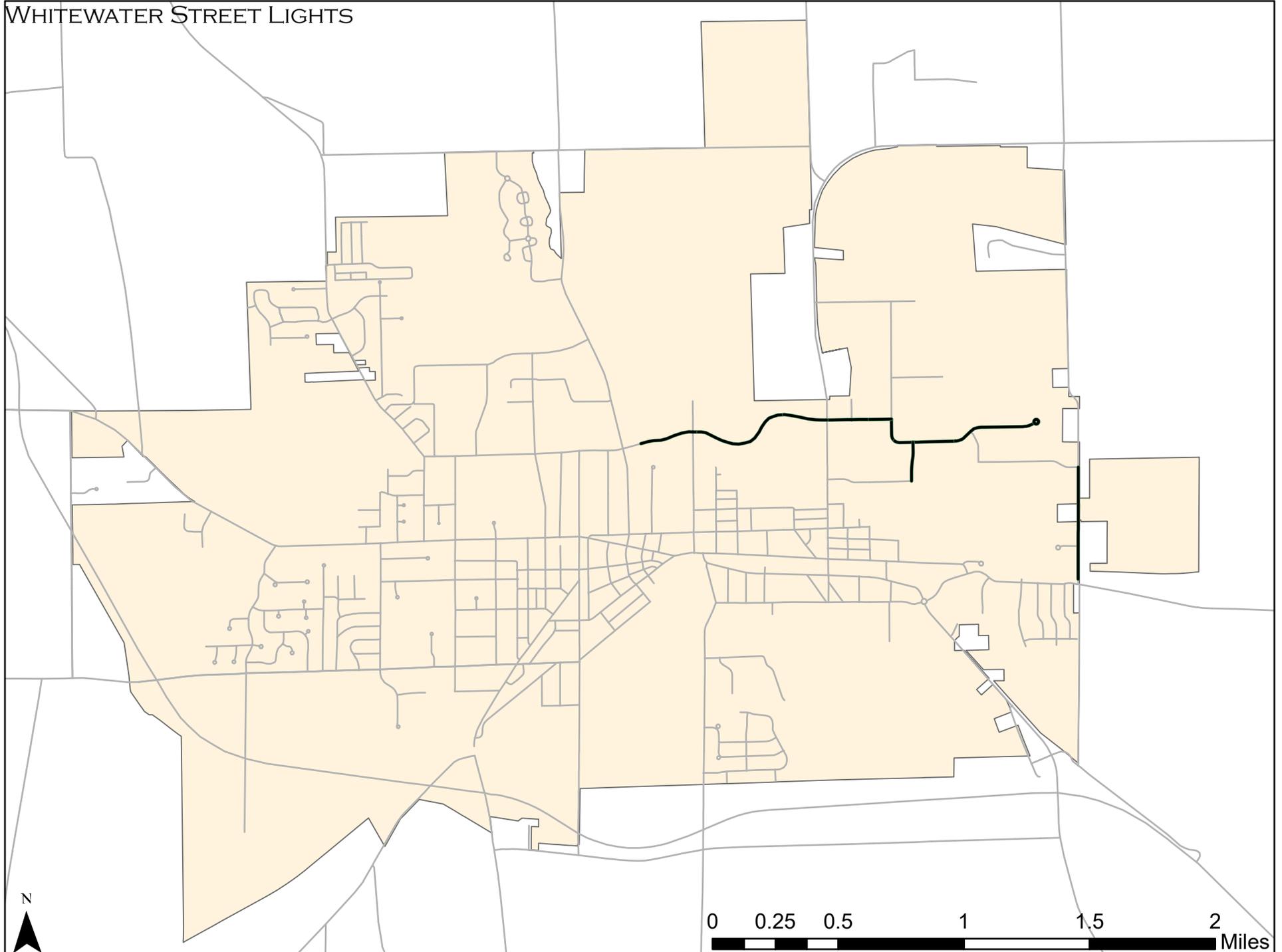


2023 Budget Briefing

Initiatives identified and included within proposed budget amendments

Referendum Passes	Referendum Fails
1. \$1.1MM Levy for fully funded Fire/EMS (1,100K)	1. Reduce Fire/EMS to minimum service (431K)
a. Up to 17 FTE EMTs on premises response	a. Reduce staffing to 1 Vehicle 24/7
b. \$385K annual Fire/EMS Capital replacement provision	b. Eliminate \$385K Fire/EMS Capital funding
2. 4% Wage Treatment for all staff (121K)	2. 4% Wage Treatment for all staff (121K)
3. Update budget for Military Leave (58K)	3. Update budget for Military Leave (58K)
4. Waste/Recycling Fee Increase (28K)	4. Moved Waste/Recycling to Fee for Service (449K)
5. Rely on CDA fund balance, minimize GF Transfer (43K)	5. Rely on CDA fund balance, minimize GF Transfer (43K)
6. Reestablish parking enforcement discipline, increased fines (50K)	6. Reestablish parking enforcement discipline, increased fines (50K)
7. Reduce Downtown Whitewater Grant (2K)	7. Reduce Downtown Whitewater Grant (2K)
8. Reduced Transfer to Street Repair Fund (26K)	8. Reduced Transfer to Street Repair Fund (37K)
9. Eliminate Flower Baskets (16K)	9. Eliminate Flower Baskets (16K)
10. Reduce Street Light Electric Consumption (50K)	10. Reduce Street Light Electric Consumption (50K)
	11. Reduced Transfer to DPW Equipment Fund (85K)
	12. Funds Patrol Vacancy with reserve transfer (125K)
	13. Reduce Transfer to 27th Payroll Fund (8K)

WHITEWATER STREET LIGHTS



N





CDA Agenda Item

Meeting Date: January 19, 2023

Agenda Item: PropertyX LLC – Obligations Under Development Agreement

Staff Contact (name, email, phone): John Weidl, City Manager
jweidl@whitewater-wi.gov
262-473-0104

BACKGROUND

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

PropertyX LLC purchased Tax Parcel /A305000002 located on Innovation Drive in the Industrial Park from the City on March 29, 2022. Pursuant to the terms of the Development Agreement, Buyer agreed to construct, or cause to be constructed, on the Property by not later than twelve (12) months after the closing date (the “Construction Deadline”), a 3,000 square foot office/warehouse space (the “Initial Building”). In the event the Buyer fails to substantially complete construction of the Initial Building on or before the Construction deadline, the City has the right to repurchase the Property from Buyer exercisable by written notice at a repurchase price equal to the initial purchase price.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Neighborhood Services received Conditional Approval of plans for the site from the Wisconsin Department of Safety and Professional Services dated 09/02/2022, which approval will expire on 09/02/2024. Application for Plan Review was submitted 01/12/2023.

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

It is the recommendation of City staff that CDA request that the Common Council consider amending the Development Agreement to extend the Construction Deadline.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

Development Agreement.
Conditional Approval Letter from WI Dept. of Safety and Professional Services
Application for Plan Review.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is between the City of Whitewater (hereinafter at times referred to as the "City") and PropertyX LLC, a Wisconsin limited liability company (hereinafter at times referred to as "Buyer").

RECITALS

WHEREAS, the City is a municipal corporation which seeks to promote high quality commercial, industrial and residential development in the City, and

WHEREAS, Wisconsin Statute §62.11 provides the authority by which the Common Council of the City may act for the government and good order of the City, for its commercial benefit and for the health, safety and welfare of the general public, and

WHEREAS, the project described in this agreement will serve to promote industrial development in the City, and

WHEREAS, the City has determined that the construction of the facility as set forth herein would be desirable for the City.

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Buyer agrees to construct, or cause to be constructed, on the Property described below, by not later than twelve (12) months after the closing date of the purchase of the Property from the City (the "Construction Deadline"), an approximately 3,000 square foot office/warehouse space (the "Initial Building"). In the event Buyer fails to substantially complete construction of the Initial Building on the Property on or before the Construction Commencement Deadline, Seller shall have the right to re-purchase the Property from Buyer, exercisable by written notice of exercise given by Seller to Buyer at any time thereafter at a repurchase price of the initial purchase price. If Seller exercises such right to re-purchase the Property from Buyer, the repurchase closing shall take place not later than ninety (90) days after the giving of the notice of exercise, and at such closing, Buyer shall re-convey the Property to Seller by Warranty Deed, with title thereto being in the same condition as when Seller initially conveyed the Property to Buyer. Incident to any required re-conveyance under the foregoing provision, Buyer shall furnish to Seller, at least give (5) business days prior to the aforementioned repurchase closing date, an updated Title Insurance Commitment, at Buyer's expense, showing title in the condition called for herein, and further, shall pay all required real estate transfer

fees and recording fees necessary to implement such re-conveyance. The rights of Seller regarding the repurchase timeline under the foregoing provisions of this paragraph shall be in lieu of the repurchase timeline rights of the City of Whitewater under the Protective Covenants. The undertakings, obligations and agreements of Buyer described under this paragraph shall survive the closing of the transaction contemplated by this Counter-Offer and Offer and shall be included in the Warranty Deed from Seller to Buyer. The building shall be constructed on the lot legally described as:

Approximately 2.656 gross acres of land commonly known as Lot 2 of Certified Survey Map No. 4996, and more particularly described as follows:

Lot 2 of Certified Survey Map No. 4996, recorded November 22, 2021 as Document No. 1051345, being a redivision of Certified Survey Map No. 3050, being part of the Northwest 1/4, and the Southwest 1/4 of the Northwest 1/4 of Section 3, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin.

2. The provisions of this agreement shall constitute covenants which shall run with the property, and the burdens and benefits hereof shall bind and inure to the benefit of each of the parties hereto and all successors in interest to the parties hereto. Buyer shall have the right, if approved by Whitewater, to assign or transfer all or any portion of its interests, rights, or obligations under this agreement or in the property or any portion thereof. The express assumption of Buyer's obligations under this agreement by its transferee or assignee shall thereby relieve Buyer of any responsibility for the expressly assumed obligation. The transferee shall assume all of Buyer's rights and obligations thereunder which relate to the transferred property. The City shall not unreasonably refuse to approve any transfer.

3. The parties acknowledge that this development agreement satisfies the contingency in the accepted counter-offer that makes the offer contingent on the parties entering into a development agreement within a period of the acceptance of the counter-offer.

4. Any controversy or claim arising out of, or relating to, this agreement, or any modification or extension thereof, shall be settled by arbitration to be held in the City of Whitewater. The Wisconsin Arbitration Act, Chapter 788 of the Wisconsin Statutes, as amended, shall govern this section and this agreement to arbitrate shall be specifically enforceable thereunder. Notice of the demand for arbitration shall be delivered in writing to the other party not later than six months from the happening or event giving rise to the dispute, claim, or other matter in question. The award rendered by the arbitrator shall be final, subject only to vacation, modification, and appeal provisions of the Wisconsin Arbitration Act.

5. All notices and other communications provided for under this agreement shall be in writing and mailed, faxed, electronically transmitted, or personally delivered to:

In the case of Buyer:

PropertyX LLC
Attention: Matthew Ferguson, Member
S77W19226 Lakewood Drive
Muskego, WI 53150

In the case of the City of Whitewater:

City of Whitewater
Attention: Cameron Clapper, City Manager
P. O. Box 178
Whitewater, WI 53190

6. No amendment, modification, termination, or waiver of any provision of this agreement, nor consent to any departure from this agreement, shall in any event be effective unless the same shall be in writing and signed by both parties and their successors of interest. Such waiver or consent shall be effective only in the specific instance and the specific purpose given.

7. Either party may record this agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their respective authorized officers or agents on the date written below.

Signed at Whitewater, Wisconsin, this 29th day of March, 2022.

CITY OF WHITEWATER

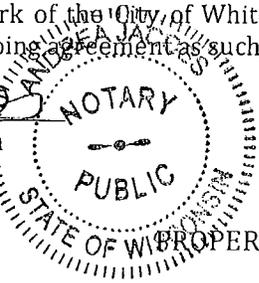
By: [Signature]
Cameron Clapper, City Manager

By: Michele Smith
Michele Smith, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

Personally appeared before me this 29th day of March, 2022, the above-named Cameron Clapper, City Manager, and Michele Smith, City Clerk, to me known to be such City Manager and City Clerk of the City of Whitewater, and to me known to be the persons who executed the foregoing agreement as such officers of said City, by its authority.

Andrea Jacobs
Notary Public, State of Wisconsin
My commission 8/6/23



By: _____
Matthew Ferguson, Member

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

Personally appeared before me this ____ day of _____, 2022, the above-named Matthew Ferguson, to me known to be such Member of PropertyX LLC, and to me known to be the person who executed the foregoing agreement as such, by its authority.

Notary Public, State of Wisconsin
My commission _____

This agreement was drafted by:
Attorney James J. Wawrzyn
State Bar No. 1059563



September 2, 2022

PETER WESTON
THE DESIGN ALLIANCE ARCHITECTS
1003 MADISON AVENUE
FORT ATKINSON, WISCONSIN 53538

Identification Numbers

Plan Review No.: CB-092201606-PRB

Application No.: DIS-072236959

Site ID No.: SIT-104672

Please refer to all identification numbers in each correspondence with the Department.

CONDITIONAL APPROVAL

PLAN APPROVAL EXPIRES: 09/02/2024
CODE APPLIES: 07/21/2022

MUNICIPALITY:
CITY OF WHITEWATER
WALWORTH COUNTY

SITE:
FERGUSON BUILDING
LOT 2 INNOVATION DRIVE
WHITEWATER, WI 53190

FOR:
LOT 2 INNOVATION DRIVE

Object Type: Building **Building Name.:** Ferguson Building **Major Occupancy:** B - Business
Class of Construction: VB - Combustible Unprotected Construction **Building Review Type:** New
Plan Type: Full/Complete Building **Total Floor Area in Sq Ft:** 4,260
Sprinklered Type: None **Allowable Area Determined By:** Unseparated Use **Structural Components Included in Review:** None

SITE REQUIREMENTS

- Contact both the State Inspector and the local municipality PRIOR to the start of construction.
- A full-size copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. If plan index sheets were submitted in lieu of additional full plan sets, a copy of this approval letter and index sheet shall be attached to plans that correspond with the copy on file with the Department. If these plans were submitted in an electronic form, the designer is responsible to download, print, and bind the full-size set of plans along with our approval letter. A Department electronic stamp and signature shall be on the plans which are used at the job site for construction.

The following conditions shall be met during construction or installation and prior to occupancy or use:

SUBMIT:

- SPS 361.30(3) - This approval does not include heating, ventilating or air conditioning. The owner should be reminded that HVAC plans, calculations, and appropriate fees are required to be submitted for review and approval prior to installation in the field. The HVAC plans shall be submitted on the DSPS website. Building Designer should coordinate with HVAC design to avoid problems with clearance to combustibles, dampers etc. The submitted HVAC plans and calculations shall match the approved building plans. Building Designer is requested to provide a complete set of plans, Energy Calculations and the Building plan review Transaction I.D. number to the HVAC Designer to help coordinate review. Note as per SPS 302.10 installation of HVAC without approved plans could result in double plan review fees.
- SPS 361.30(3) - Submit, prior to installation, one set of properly signed and sealed truss plans, calculations substantiating the design, and associated pertinent information including this transaction number or CB number as a previous transaction. A

truss plan submittal may be made on the DSPS website. Note as per SPS 302.31(1)(d)4. the fee for a structural component submitted after project completion shall be an additional \$250.

ALSO ADDRESS:

- IBC 413.1 - This review did not include the storage of high-piled materials, which are defined by s. SPS 362.0202 as combustible materials and packaging over 12 ft high or for certain commodities such as rubber tires, certain plastics, etc, over 6 ft high. High-piled storage is required to also comply with IFC ch. 32.
- IBC 2308.7.5 - Roof assemblies shall have rafter and truss ties to the wall below. Resultant uplift loads shall be transferred to the foundation using a continuous load path. The rafter or truss to wall connection shall comply with Tables 2304.10.1 and 2308.7.5.
- IECC C407/SPS 363.0407 - When demonstrating building envelope compliance using Comcheck, the data used for computational purposes must be shown as a detail on the plans, be part of the building specifications, or included as a product cut sheet. *Submitted COMcheck shows floor insulation of 4ft horizontal and vertical. Provide a total of 4 ft of insulation.*

REMINDERS:

- IBC 304.1 - A Business Group B occupancy includes the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Group B also includes outpatient clinics involving buildings or portions thereof used to provide medical care on less than a 24-hour basis to individuals who are not rendered incapable of self-preservation by the services provided. Motorized vehicles may not be driven into the building for loading or unloading or stored. *Warehouse is part of the B occupancy and must meet the requirements of B occupancy.*
- IBC 1809.5 – Provide frost protection of your shallow foundation with insulation meeting the minimum R-value, extent and depth required by ASCE 32 for this building site. Otherwise, provide non-frost-susceptible soil [as defined by granular soils or other approved non-frost susceptible fill material with less than 6% of mass passing a #200 mesh sieve] down to anticipated frost depth, or other acceptable means.
- SPS 362.1809 This a department rule in addition to the requirements in IBC section 1809.5: Where a frost-protected shallow foundation is relied upon for a heated or semi-heated structure, permanent, legible notices shall be posted near the thermostats of all building heating appliances that indicates all of the following: (a) That the structure is designed using a frost-protected-shallow foundation. (b) The minimum monthly average temperature that the structure must be maintained at to avoid frost damage to the foundation.
- IBC 2304.10.1 - Connections for wood members shall be at least the number and size of nails or fasteners in wood members as set forth in Table 2304.10.1, unless more are required by design method. *Supervising professional to provide nailing pattern for laminated columns.*
- SPS 361.36(1)(a) & (b) - The building shell shall be closed within two years of the initial approval date of this project. Also, this approval will expire three years after the date of initial approval of this project if the work covered by this approval is not completed and the building ready for occupancy within those three years.
- IECC Table C402.1.3/IECC Table R402.1.2 - Insulative continuity must be maintained in the design of slab edge insulation systems. Continuity must be maintained from the wall insulation through the intersection of the slab, wall and footing to the body of the slab edge.
- IECC C303.2.1/R303.2.1 - Provide insulation applied to the exterior of foundation walls and around the perimeter of slab-on-grade floors with a rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed area of the exterior insulation and extend a minimum of 6" below grade.

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED**. The owner, as defined in chapter 101.01(10), Wisconsin Statutes, is responsible for compliance with all code requirements. Only those object types listed above have been approved; other submittals such as plumbing and those listed above under **REQUIRED SUBMITTAL(S)**, may also be required.

All permits required by the state, or the local municipality shall be obtained prior to commencement of construction/installation/operation. You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams.

This plan has not been reviewed for compliance with fire code requirements, including those for fire lanes and fire protection water supply, so contact the local fire department for further information.

In granting this approval, the Division of Industry Services reserves the right to require changes or additions, should conditions arise making them necessary for code compliance. As per state stats 101.12(2), nothing in this review shall relieve the designer of the

responsibility for designing a safe building, structure, or component. The Division does not take responsibility for the design or construction of the reviewed items.

Per s. SPS 361.40(4), projects for buildings of over 50,000 cubic feet total volume shall have supervising professionals who file compliance statements with this agency and the local code officials prior to occupancy of the project. Compliance statements shall be filed online at <https://esla.wi.gov/PortalCommunityLogin>.

Inquiries concerning this correspondence may be made to me at the contact information listed below, or at the address on this letterhead.

Sincerely,

A handwritten signature in black ink that reads "Matthew Diehl". The signature is written in a cursive style with a large, stylized initial "M".

Matthew Diehl
Consultant Building Systems
Phone: 608-781-1640
Email: matthew.diehl@wisconsin.gov

cc:

JOHN GIBBS, DIS INSPECTOR, (414) 852-3694, JOHN.GIBBS@WISCONSIN.GOV
MICHELE SMITH, MUNICIPAL CLERK, 2624730500, MSMITH@WHITEWATER-WI.GOV
MATT FERGUSON,

City of Whitewater
Application for Plan Review

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Matthew Ferguson
Applicant's Address: S77W19226 Lakewood Drive, Muskego, WI 53150
Phone # 414-617-4326

Owner of Site, according to current property tax records (as of the date of the application):
PropertyX LLC

Street address of property: Lot 2 Innovation Drive, Whitewater, WI 53190

Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
Lot 2 certified survey no. 4996 recorded as Doc # 1051345 WCR. Located in NW 1/4 & Sw/4 NE 1/4 Sec 3 T3N R15E. 115685 Sq. Ft; City of Whitewater; Omitting /A3050-1.

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: Craig Long (Project Manager)

Name of Firm: The Design Alliance Architects, INC.

Office Address: 1003 Madison Avenue, Fort Atkinson, WI 53538
Phone: 920-563-3404

Name of Contractor: Jon Tanis

Has either the applicant or the owner had any variances issued to them, on any property? YES NO
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Current Land Use:

Principal Use: Vacant

Accessory or Secondary Uses: None

Proposed Use

Continuing education online for individuals licensed by the state and computer web server business and cryptocurrency mining.

No. of occupants proposed to be accomodated: Currently have 4 employees with plans to hire more once up and running new facility

No. of employees: See above.

Zoning District in which property is located: M-1

Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located: Chapter 19.36

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	Yes.
B. The proposed development will be consistent with the adopted city master plan;	Yes.
C. The proposed development will be compatible with and preserve the important natural features of the site;	Yes.
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	Correct.

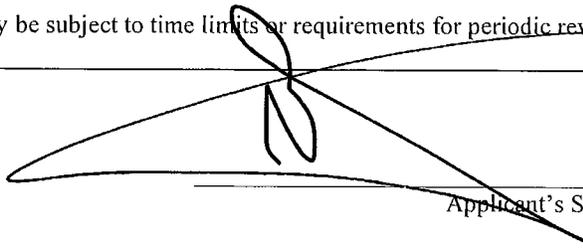
STANDARD	APPLICANT'S EXPLANATION
<p>E. The proposed development will not create traffic circulation or parking problems;</p>	<p>Correct.</p>
<p>F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;</p>	<p>Yes.</p>
<p>G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;</p>	<p>N/A</p>
<p>H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.</p>	<p>Correct.</p>

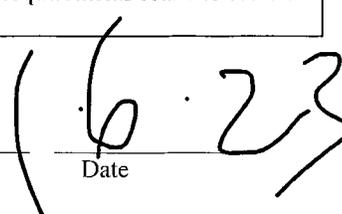
CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

“Conditions” such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

“Plan Review” may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.

 _____
Applicant's Signature

 _____
Date

APPLICATION FEES:

Fee for Plan Review Application: \$100

Date Application Fee Received by City _____ Receipt No. _____

Received by _____

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: _____

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Plan Review: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

_____ Signature of Plan Commission Chairman _____ Date



Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

The City of Whitewater assigns its consultant costs associated with reviewing development proposals to the applicant requesting development approval. These costs can vary based on a number of factors. Many of these factors can at least be partially controlled by the applicant for development review. The City recognizes that we are in a time when the need to control costs is at the forefront of everyone's minds. The following guide is intended to assist applicants for City development approvals understand what they can do to manage and minimize the costs associated with review of their applications. The tips included in this guide will almost always result in a less costly and quicker review of an application.

Meet with Neighborhoods Services Department before submitting an application

If you are planning on submitting an application for development review, one of the first things you should do is have a discussion with the City's Neighborhood Services Department. This can be accomplished either by dropping by the Neighborhood Services Department counter at City Hall, or by making an appointment with the Neighborhood Services Director. Before you make significant investments in your project, the Department can help you understand the feasibility of your proposal, what City plans and ordinances will apply, what type of review process will be required, and how to prepare a complete application.

Submit a complete and thorough application

One of the most important things you can do to make your review process less costly to you is to submit a complete, thorough, and well-organized application in accordance with City ordinance requirements. The City has checklists to help you make sure your application is complete. To help you prepare an application that has the right level of detail and information, assume that the people reviewing the application have never seen your property before, have no prior understanding of what you are proposing, and don't necessarily understand the reasons for your request.

For more complex or technical types of projects, strongly consider working with an experienced professional to help prepare your plans

Experienced professional engineers, land planners, architects, surveyors and landscape architects should be quite familiar with standard development review processes and expectations. They are also generally capable of preparing high-quality plans that will ultimately require less time (i.e., less cost for you) for the City's planning and engineering consultants to review, saving you money in the long run. Any project that includes significant site grading, stormwater management, or utility work; significant landscaping; or significant building remodeling or expansion generally requires professionals in the associated fields to help out.

For simpler projects, submit thorough, legible, and accurate plans

For less complicated proposals, it is certainly acceptable to prepare plans yourself rather than paying to have them prepared by a professional. However, keep in mind that even though the project may be less complex, the City's staff and planning consultant still need to ensure that your proposal meets all City requirements. Therefore, such plans must be prepared with care. Regardless of the complexity, all site, building, and floor plans should:

1. Be drawn to a recognized scale and indicate what the scale is (e.g., 1 inch = 40 feet).
2. Include titles and dates on all submitted documents in case pieces of your application get separated.



Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

4. Include clear and legible labels that identify streets, existing and proposed buildings, parking areas, and other site improvements.
5. Indicate what the property and improvements look like today versus what is being proposed for the future.
6. Accurately represent and label the dimensions of all lot lines, setbacks, pavement/parking areas, building heights, and any other pertinent project features.
7. Indicate the colors and materials of all existing and proposed site/building improvements. Including color photos with your application is one inexpensive and accurate way to show the current condition of the site. Color catalog pages or paint chips can be included to show the appearance of proposed signs, light fixtures, fences, retaining walls, landscaping features, building materials, or other similar improvements.

Submit your application well in advance of the Plan and Architectural Review Commission meeting

The City normally requires that a complete application be submitted four weeks in advance of the Commission meeting when it will be considered. For simple submittals not requiring a public hearing, this may be reduced to two weeks in advance. The further in advance you can submit your application, the better for you and everyone involved in reviewing the project. Additional review time may give the City's planning consultant and staff an opportunity to communicate with you about potential issues with your project or application and allow you time to efficiently address those issues before the Plan and Architectural Review Commission meeting. Be sure to provide reliable contact information on your application form and be available to respond to such questions or requests in a timely manner.

For more complex projects, submit your project for conceptual review

A conceptual review can be accomplished in several ways depending on the nature of your project and your desired outcomes.

1. Preliminary plans may be submitted to City staff and the planning consultant for a quick, informal review. This will allow you to gauge initial reactions to your proposal and help you identify key issues;
2. You may request a sit-down meeting with the Neighborhood Services Director and/or Planning consultant to review and more thoroughly discuss your proposal; and/or
3. You can ask to be placed on a Plan and Architectural Review Commission meeting agenda to present and discuss preliminary plans with the Commission and gauge its reaction before formally submitting your development review application.

Overall, conceptual reviews almost always save time, money, stress, and frustration in the long run for everyone involved. For this reason, the City will absorb up to \$200 in consultant review costs for conceptual review of each project.



Tips for Minimizing Your Development Review Costs:

A Guide for Applicants

Hold a neighborhood meeting for larger and potentially more controversial Projects

If you believe your project falls into one or both of these two categories (City staff can help you decide), one way to help the formal development review process go more smoothly is to host a meeting for the neighbors and any other interested members of the community. This would happen before any Plan and Architectural Review Commission meeting and often before you even submit a formal development review application.

A neighborhood meeting will give you an opportunity to describe your proposal, respond to questions and concerns, and generally address issues in an environment that is less formal and potentially less emotional than a Plan and Architectural Review Commission meeting. Neighborhood meetings can help you build support for your project, understand others' perspectives on your proposals, clarify misunderstandings, and modify the project and alleviate public concerns before the Plan and Architectural Review Commission meetings. Please notify the City

Neighborhood Services Director of your neighborhood meeting date, time, and place; make sure all neighbors are fully aware (City staff can provide you a mailing list at no charge); and document the outcomes of the meeting to include with your application.

Typical City Planning Consultant Development Review Costs

The City often utilizes assistance from a planning consultant to analyze requests for land development approvals against City plans and ordinances and assist the City's Plan and Architectural Review Commission and City Council on decision making. Because it is the applicant who is generating the need for the service, the City's policy is to assign most consultant costs associated with such review to the applicant, as opposed to asking general taxpayer to cover these costs.

The development review costs provided below represent the planning consultant's range of costs associated with each particular type of development review. This usually involves some initial analysis of the application well before the public meeting date, communication with the applicant at that time if there are key issues to resolve before the meeting, further analysis and preparation of a written report the week before the meeting, meeting attendance, and sometimes minor follow-up after the meeting. Costs vary depending on a wide range of factors, including the type of application, completeness and clarity of the development application, the size and complexity of the proposed development, the degree of cooperation from the applicant for further information, and the level of community interest. The City has a guide called "Tips for Minimizing Your Development Review Costs" with information on how the applicant can help control costs.



**Tips for Minimizing Your
Development Review Costs:**

A Guide for Applicants

Type of Development Review Being Requested	Planning Consultant Review Cost Range
Minor Site/Building Plan (e.g., minor addition to building, parking lot expansion, small apartment, downtown building alterations)	
When land use is a permitted use in the zoning district, and for minor downtown building alterations	Up to \$600
When use also requires a conditional use permit, and for major downtown building alterations	\$700 to \$1,500
Major Site/Building Plan (e.g., new gas station/convenience store, new restaurant, supermarket, larger apartments, industrial building)	
When land use is a permitted use in the zoning district	\$700 to \$2,000
When land use also requires a conditional use permit	\$1,600 to \$12,000
Conditional Use Permit with no Site Plan Review (e.g., home occupation, sale of liquor request, substitution of use in existing building)	\$up to \$600
Rezoning	
To a standard (not PCD) zoning district	\$400 to \$2,000
To Planned Community Development zoning district, assuming complete GDP & SIP application submitted at same time	\$2,100 to \$12,000
Land Division	
Certified Survey Map	Up to \$300
Preliminary Subdivision Plat	\$1,500 to \$3,000
Final Plat (does not include any development agreement time)	\$500 to \$1,500
Annexation	\$200 to \$400
<p>Note on Potential Additional Review Costs: The City also retains a separate engineering consultant, who is typically involved in larger projects requiring stormwater management plans, major utility work, or complex parking or road access plans. Engineering costs are not included above, but will also be assigned to the development review applicant. The consultant planner and engineer closely coordinate their reviews to control costs.</p>	



Cost Recovery Certificate and Agreement

The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, and recreation specialists) to assist in the City's review of an application for development review coming before the Plan and Architectural Review Commission, Board of Zoning Appeals, and/or Common Council. In fact, most applications require some level of review by the City's planning consultant. City of Whitewater staff shall retain sole discretion in determining when and to what extent it is necessary to involve a professional consultant in the review of an application.

The submittal of an application or petition for development review by an applicant shall be construed as an agreement to pay for such professional review services associated with the application or petition. The City may apply the charges for these services to the applicant and/or property owner in accordance with this agreement. The City may delay acceptance of an application or petition (considering it incomplete), or may delay final action or approval of the associated proposal, until the applicant pays such fees or the specified percentage thereof. Development review fees that are assigned to the applicant, but that are not actually paid, may then be imposed by the City as a special charge on the affected property.

Section A: Background Information

----- **To be filled out by the Applicant/Property Owner** -----

Applicant's Information:

Name of Applicant:

Matthew Ferguson

Applicant's Mailing Address:

S77W19226 Lakewood Drive

Muskego, WI 53150

Applicant's Phone Number:

414-617-4326

Applicant's Email Address:

matt@bccredits.org

Project Information:

Name/Description of Development:

Address of Development Site:

Lot 2 Innovation Drive

Tax Key Number(s) of Site:

A499600002

Property Owner Information (if different from applicant):

Name of Property Owner:

PropertyX LLC

Property Owner's Mailing Address:

S77W19226 Lakewood Drive

Muskego, WI 53150



**Tips for Minimizing Your
Development Review Costs:**

A Guide for Applicants

Section B: Applicant/Property Owner Cost Obligations

----- To be filled out by the City's Neighborhood Services Director -----

Under this agreement, the applicant shall be responsible for the costs indicated below. In the event the applicant fails to pay such costs, the responsibility shall pass to the property owner, if different. Costs may exceed those agreed to herein only by mutual agreement of the applicant, property owner, and City. If and when the City believes that actual costs incurred will exceed those listed below, for reasons not anticipated at the time of application or under the control of the City administration or consultants, the Neighborhood Services Director or his agent shall notify the applicant and property owner for their approval to exceed such initially agreed costs. If the applicant and property owner do not approve such additional costs, the City may, as permitted by law, consider the application withdrawn and/or suspend or terminate further review and consideration of the development application. In such case, the applicant and property owner shall be responsible for all consultant costs incurred up until that time.

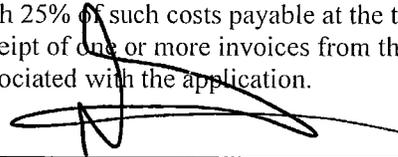
- A. Application Fee.....\$ _____
- B. Expected Planning Consultant Review Cost\$ _____
- C. Total Cost Expected of Applicant (A+B)\$ _____
- D. 25% of Total Cost, Due at Time of Application.....\$ _____
- E. Project Likely to Incur Additional Engineering or Other Consultant Review Costs? Yes No

The balance of the applicant's costs, not due at time of application, shall be payable upon applicant receipt of one or more itemized invoices from the City. If the application fee plus actual planning and engineering consultant review costs end up being less than the 25% charged to the applicant at the time of application, the City shall refund the difference to the applicant.

Section C: Agreement Execution

----- To be filled out by the Applicant and Property Owner -----

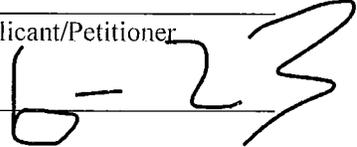
The undersigned applicant and property owner agree to reimburse the City for all costs directly or indirectly associated with the consideration of the applicant's proposal as indicated in this agreement, with 25% of such costs payable at the time of application and the remainder of such costs payable upon receipt of one or more invoices from the City following the execution of development review services associated with the application.



Signature of Applicant/Petitioner

Matthew Ferguson

Printed Name of Applicant/Petitioner



Date of Signature

Signature of Property Owner (if different)

Printed Name of Property Owner (if different)

Date of Signature

FERGUSON BUILDING

Lot 2 Innovation Drive
Whitewater, WI 53190

DRAWING INDEX:

SP-1	SITE PLAN, DRAWING INDEX, ADA PARKING DETAILS
SP-2	LANDSCAPE PLAN, SCHEDULE & CALCS
SP-3	SITE LIGHTING PLAN, SCHEDULE & CALCS
A-1	MAIN FLOOR PLAN, SCHEDULE & CALCS
A-2	ELEVATIONS

PROJECT DESCRIPTION:

NEW POLE BUILDING FOR DATA PROCESSING AND ONLINE CONTINUING EDUCATION.

BUILDING INFORMATION:

CONSTRUCTION TYPE:	TYPE VB
MAIN FLOOR:	4,260 S.F.
NO. OF FLOORS:	1
OCCUPANCY GROUP:	B
SPRINKLERED:	NCNE
SOIL BEARING:	3,000 psf ASSUMED
BUILDING CODE:	IBC 2015
RISK CATEGORY:	TABLE 1604.5

SITE INFORMATION:

SITE AREA:	115,885 S.F.	(0.00 ACRE)
FOOTPRINT AREA:	4,260 S.F.	(3.7%)
PARKING AREA (INCLUDES SIDEWALK):	2,924 S.F.	(2.5%)
GREEN SPACE AREA:	108,501 S.F.	(93.8%)
ZONED:	M-1	

VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

PROPERTY OWNER:

MATT FERGUSON
S777W19226 LAKEWOOD DRIVE
MUSKEGO, WI 53150
(414) 517-4326
matt@bccredits.org

ARCHITECT:

PETE WESTON
THE DESIGN ALLIANCE ARCHITECTS, INC.
1003 MADISON AVE
FORT ATKINSON, WI 53538
(920) 563-3404
pete@tdafor.com

SURVEYER:

MARK MIRTZ
LAND-MARK SURVEYING
N9330 KNUTESON DRIVE
WHITEWATER, WI 53190
(262) 949-1239
Mark.Mirtz@Land-MarkSurveying.com

LANDSCAPE:

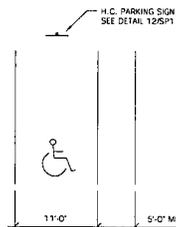
CRAIG LONG
THE DESIGN ALLIANCE ARCHITECTS, INC.
1003 MADISON AVE
FORT ATKINSON, WI 53538
(920) 563-3404
craig@tdafor.com

SITE LIGHTING:

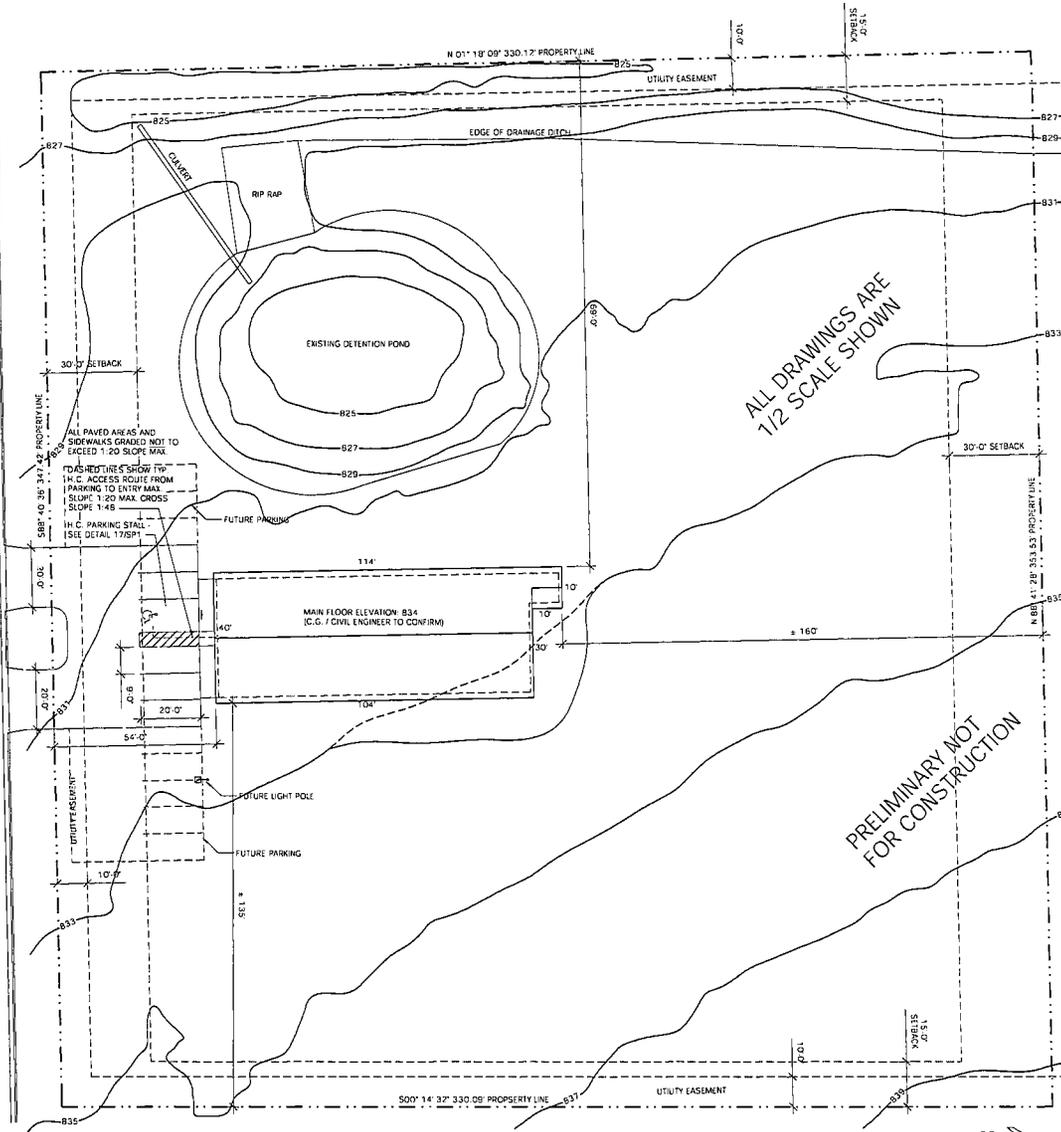
CRAIG LONG
THE DESIGN ALLIANCE ARCHITECTS, INC.
1003 MADISON AVE
FORT ATKINSON, WI 53538
(920) 563-3404
craig@tdafor.com



ADA PARKING SIGN DETAIL
SCALE: 1/12" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022



ADA PARKING STALL DETAIL
SCALE: 3/8" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022



20
SP1

SITE PLAN
SCALE: 1" = 20'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022

The Design Alliance Architects, Inc.
1003 Madison Avenue
Fort Atkinson, WI
(920) 563-3404

FERGUSON BUILDING
Lot 2 Innovation Drive
Whitewater, WI 53190

DRAWING NAMES
SITE PLAN
DRAWING INDEX
ADA PARKING DETAILS
REVISIONS
PROJECT DATA
DATE: 1/3/2023
DRAWN BY: CL
CHECKED BY: PW
SHEET NO.

SP-1

VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

LANDSCAPE REQUIREMENTS:

STREET TREES: 1 DECIDUOUS TREE PER 35' - 347 / 35 = 10 TREES
 PROVIDED 6 CLMAX TREE AT 150 PTS = 900 POINTS
 TOTAL 900 POINTS

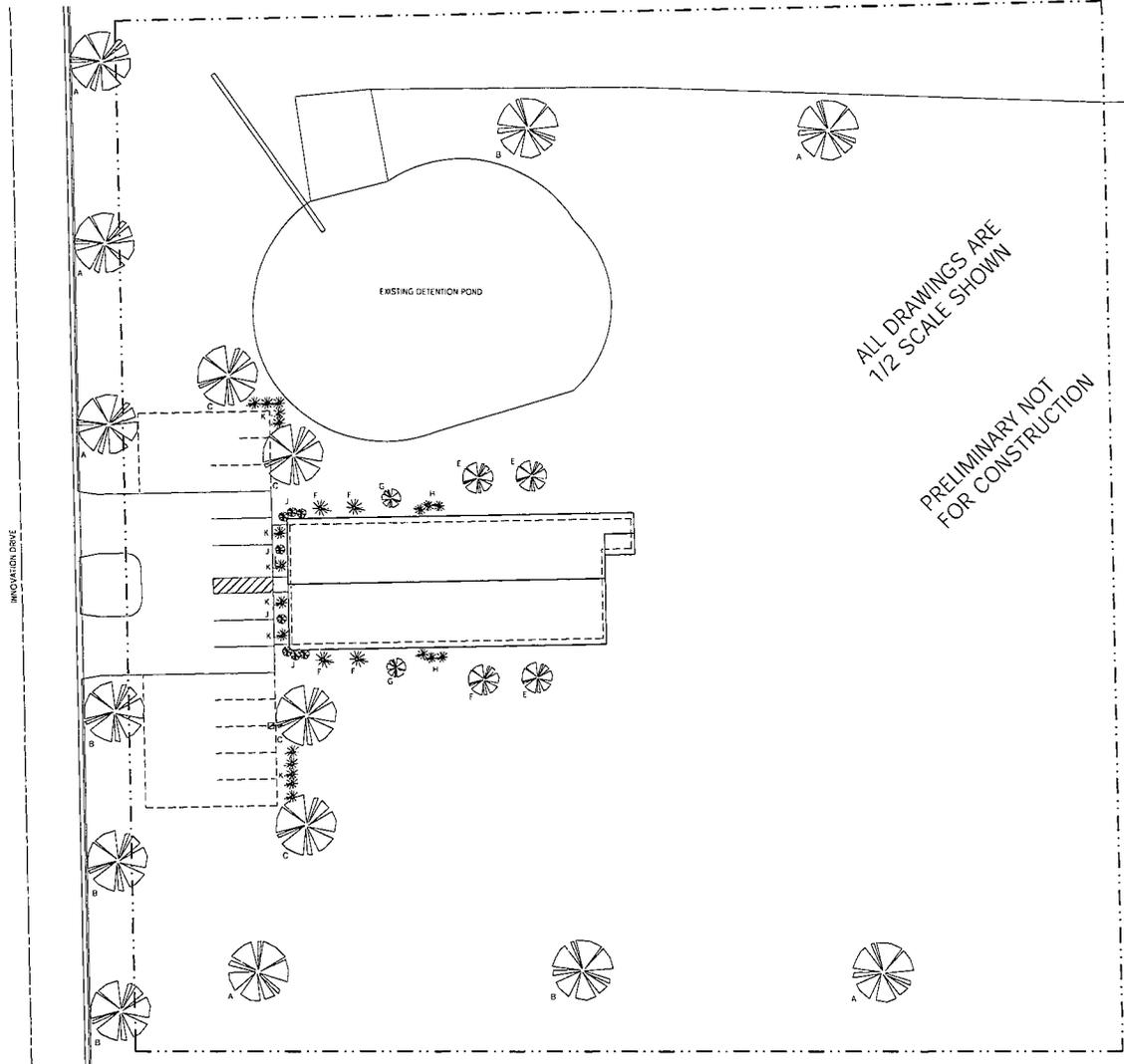
PAVEMENT: 1 TREE = 60 PTS PER 1,500 S.F. -- 6,092 S.F. / 1,500 S.F. = 4.1 x 60 PTS = 246 POINTS + 4 TREES
 4 TREES AT 150 PTS = 600 POINTS
 14 SHRUBS AT 20 PTS = 280 POINTS
 TOTAL 880 POINTS

FOUNDATION: 160 PTS / 100' - 308' / 100' = 3.1 x 160 PTS = 496 POINTS
 2 SMALL DECIDUOUS TREES AT 60 POINTS = 120 POINTS
 2 EVERGREEN TREES AT 40 POINTS = 80 POINTS
 16 SHRUBS AT 20 PTS = 320 POINTS
 TOTAL 920 POINTS

GENERAL YARD: 200 PTS PER 5,000 S.F. OF TOTAL GREEN SPACE AREA -- 19,648 S.F. / 5,000 S.F. = 3.9 x 200 = 780 PTS
 5 DECIDUOUS TREES AT 150 PTS = 750 POINTS
 2 SMALL DECIDUOUS TREES AT 60 POINTS = 120 POINTS
 TOTAL 870 POINTS

PLANTING SCHEDULE

TYPE	DESCRIPTION	PLANTING SIZE	MATURE SIZE	QUANTITY	POINTS	TOTAL POINTS
A	RED MAPLE	2" CAL	30" DIA	6	150	900
B	HONEYLOCUST 'SKYLINE'	2" CAL	30" DIA	5	150	750
C	LINDEN	2" CAL	30" DIA	4	150	600
D	SPRUCE BLACKHILLS	4.5"H	10" DIA	0	40	0
E	FLOWERING CRAB RADIAN	6.8"H	10" DIA	4	60	240
F	ARBOR VITAE PYRAMIDAL	3.4"H	6" DIA	4	40	160
G	EUCONYMIUS 'ALATUS' (BURNING BUSH)	2.3"H	6" DIA	2	20	40
H	JUNIPER PHOENIX	18.24"H	4" DIA	6	20	120
J	TAXUS TALANTONIF	18.24"H	4" DIA	8	20	160
K	DWARF SPIREA FROEBELII	15.18"H	3" DIA	14	20	280



17 LANDSCAPE SCHEDULE & CALCS
 SCALE: N.T.S.
 2022\FERGUSON BUILDING\FB.DRAWINGS.DWG
 DATE: MAY 25, 2022

20 SITE PLAN
 SCALE: 1" = 20'-0"
 2022\FERGUSON BUILDING\FB.DRAWINGS.DWG
 DATE: MAY 25, 2022

Design Alliance Architects, Inc.
 1003 Madison Avenue
 Fort Atkinson, WI
 (920) 343-3404

FERGUSON BUILDING
 Lot 2 Innovation Drive
 Whitewater, WI 53190

DRAWING NAMES

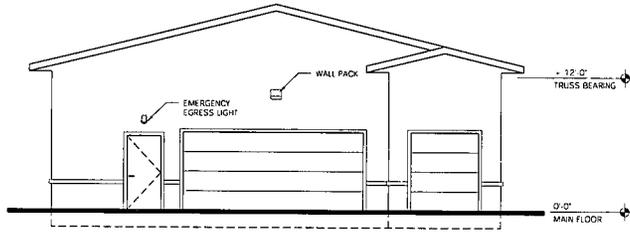
LANDSCAPE PLAN
LANDSCAPE SCHEDULE
LANDSCAPE CALCS

REVISIONS

PROJECT DATA
 DATE: 1/3/2023
 DRAWN BY: CL
 CHECKED BY: PW

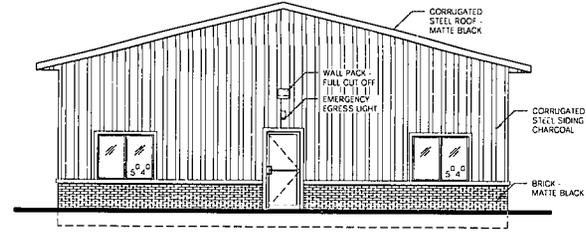
SHEET NO.
SP-2

VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.



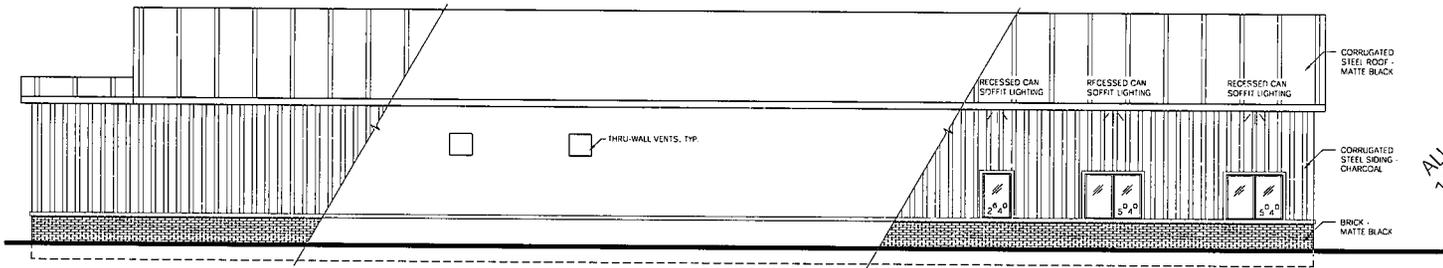
NORTH ELEVATION

3
A2
NORTH ELEVATION
SCALE: 3/16" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022



SOUTH ELEVATION

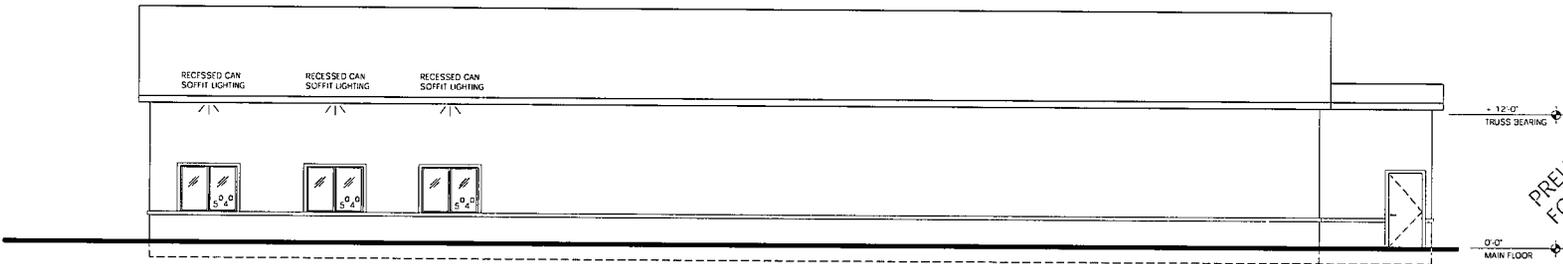
5
A2
SOUTH ELEVATION
SCALE: 3/16" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022



WEST ELEVATION

15
A2
WEST ELEVATION
SCALE: 3/16" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022

ALL DRAWINGS ARE
1/2 SCALE SHOWN



EAST ELEVATION

20
A2
EAST ELEVATION
SCALE: 3/16" = 1'-0"
2022FERGUSON BUILDINGFB-DRAWINGS.DWG
DATE: MAY 26, 2022

PRELIMINARY NOT
FOR CONSTRUCTION

FERGUSON BUILDING
Lot 2 Innovation Drive
Whitewater, WI 53190

DRAWING NAMES
ELEVATIONS

REVISIONS

PROJECT DATA

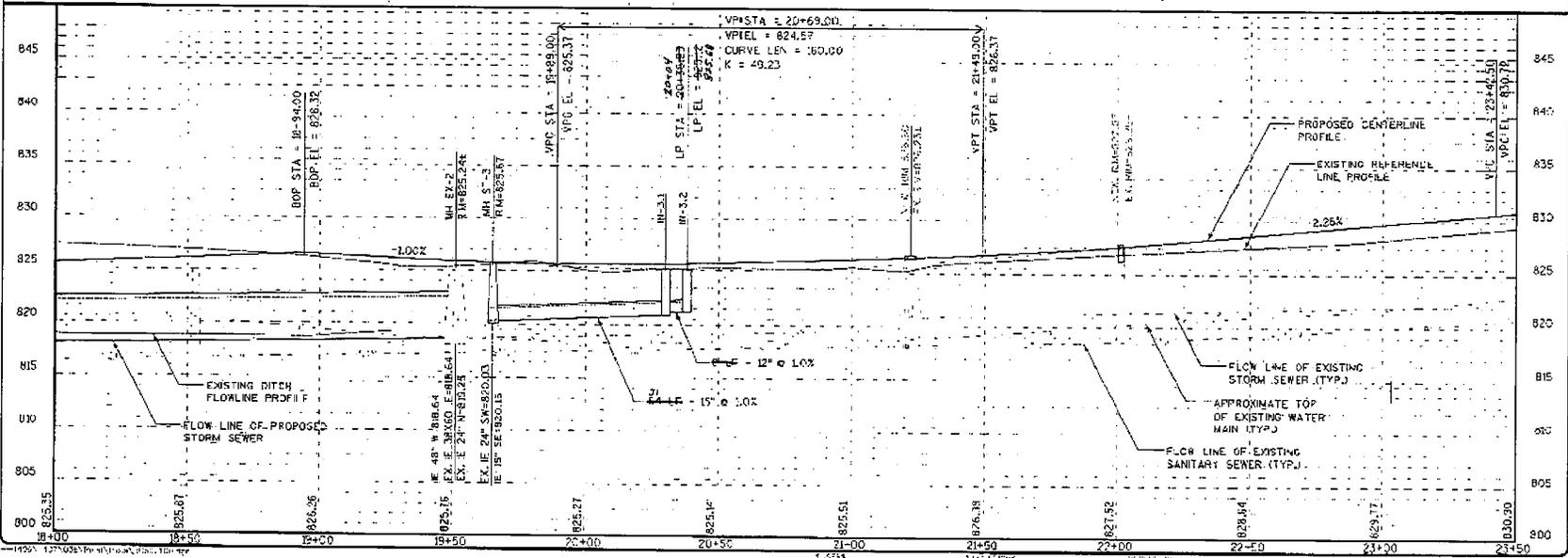
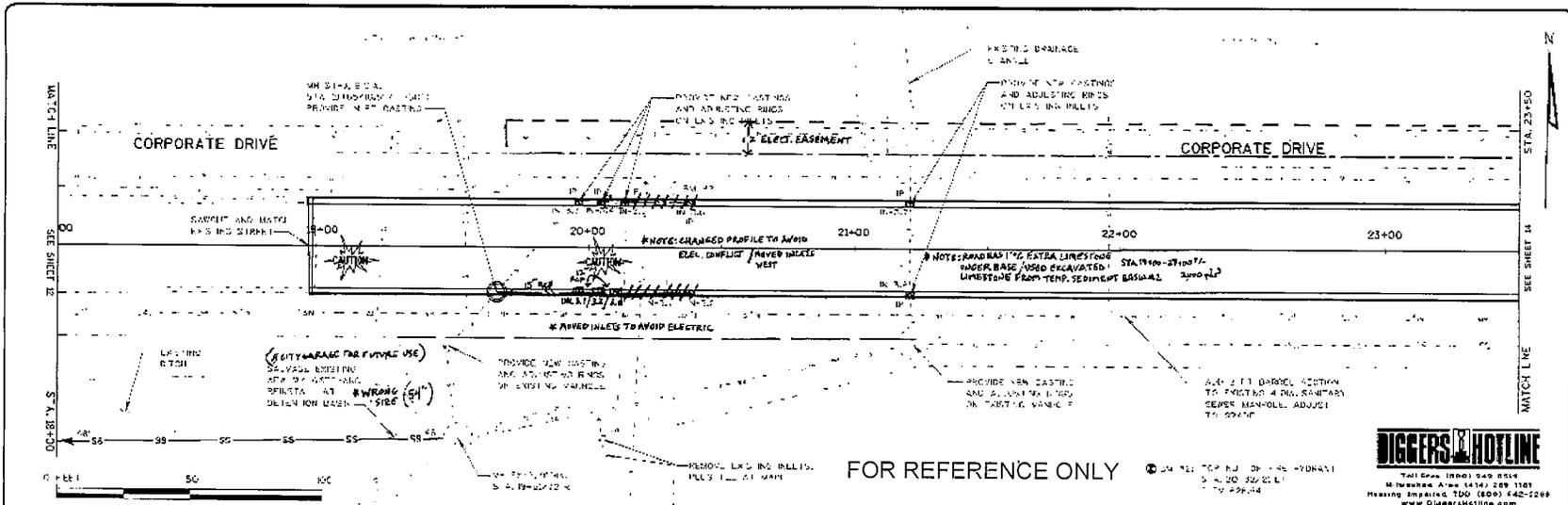
DATE: 1/3/2023

DRAWN BY: CL

CHECKED BY: P.W.

SHEET NO.

A-2



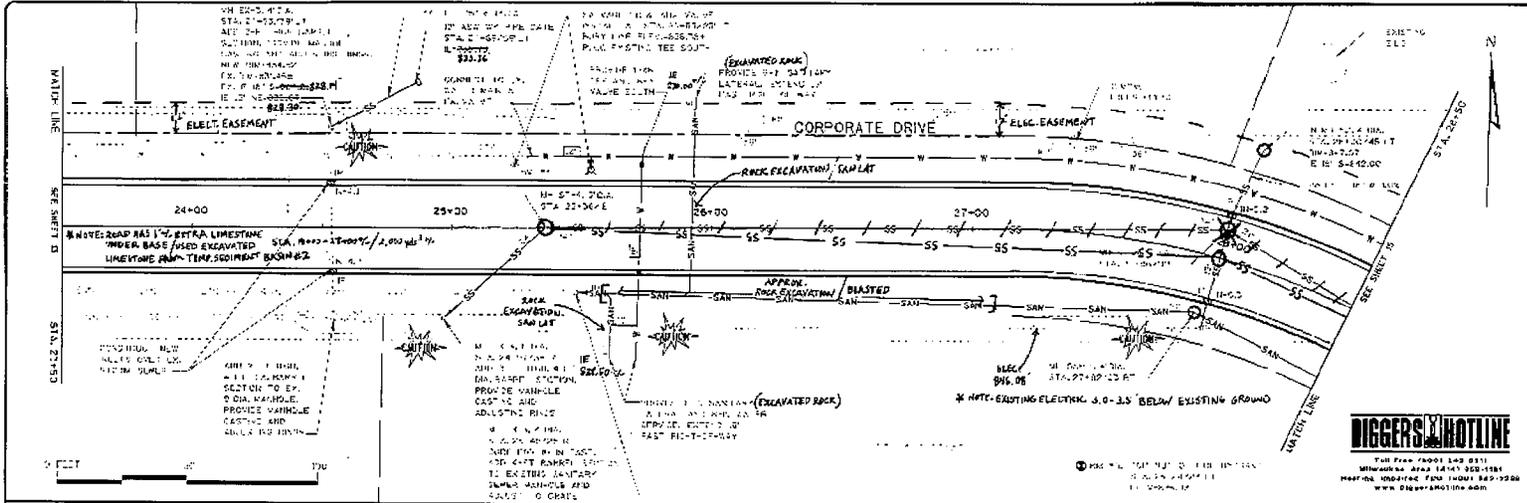
DIGGERS & HOTLINE
 TOLL FREE 1-800-548-8554
 1800 W. WISCONSIN AVE. SUITE 209-1107
 WAUKESHA, WISCONSIN 53186-1107
 PHONE 262-548-8554
 FAX 262-548-8554
 WWW.DIGGERSHOTLINE.COM

DATE: 08/20/13	SCALE: AS SHOWN
PROJECT: CORPORATE DRIVE EXTENSION	DATE: 08/20/13
CLIENT: CITY OF WHITEWATER	PROJECT NO.: 13-001
LOCATION: WHITEWATER BUSINESS PARK	DRAWN BY: J. H. HANSEN
CITY OF WHITEWATER	CHECKED BY: J. H. HANSEN
WALWORTH COUNTY, WISCONSIN	DATE: 08/20/13

STRAND ASSOCIATES INC.
 ENGINEERS

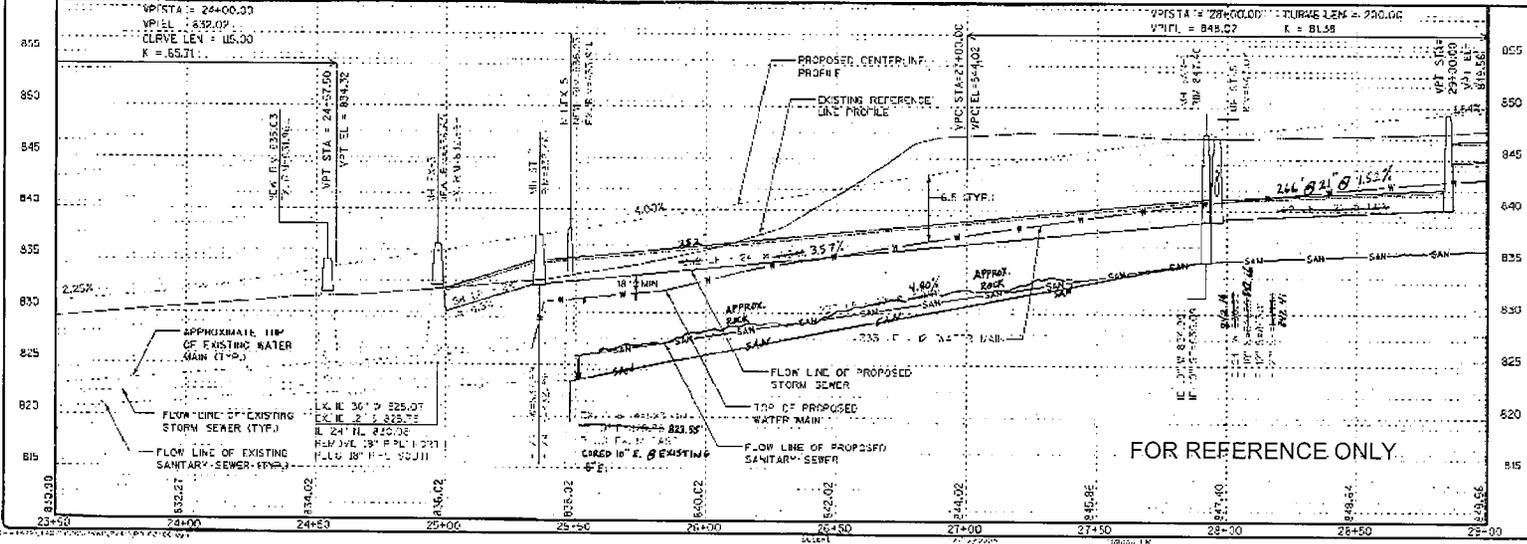
DRAWING NO. 13-001

#1008-3



DIGGERS HOTLINE
 Toll Free 780.61.468.0311
 Milwaukee Area 414.471.928.1581
 Headquarters 780.61.468.0311
 www.DiggersHotline.com

NO.	DATE	BY	REVISION



FOR REFERENCE ONLY

CORPORATE DRIVE EXTENSION
 WHITEWATER BUSINESS PARK
 CITY OF WHITEWATER
 WALWORTH COUNTY, WISCONSIN

STRAND
 ENGINEERS
 SHEET 14

#2008-3



CDA Agenda Item

Meeting Date: 01-19-2023

Agenda Item: CDA Board Member Attendance

Staff Contact (name, email, phone): John Weidl, City Manager
jweidl@whitewater-wi.gov
262-473-0104

BACKGROUND

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

At the December 12, 2022 CDA Board Meeting, Board Member attendance was discussed, it being noted that Jake Gildemeister has failed to attend eight consecutive monthly meetings of the CDA Board.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Pursuant to direction from the Board, a letter was sent to Mr. Gildemeister on December 22, 2022 (copy attached) requesting a response as to his availability to attend future meetings or submittal of a letter of resignation from the Board.

FINANCIAL IMPACT

(If none, state N/A)

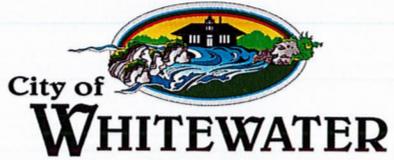
STAFF RECOMMENDATION

Having received no response from Mr. Gildemeister, the City Manager will request that the Common Council remove Mr. Gildemeister as a member of the CDA Board and initiate steps to solicit a replacement.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

Copy of letter to Jake Gildemeister dated December 22, 2022.



Office of the City Manager
312 W. Whitewater Street, P.O. Box 178
Whitewater, Wisconsin 53190

www.whitewater-wi.gov
Telephone: (262) 473-0104
Fax: (262) 222-5901

December 22, 2022

Jake Gildemeister
147 S. Prince Street
Whitewater, WI 53190

Re: Community Development Authority
Board of Directors Meetings

Dear Jake:

The CDA records reflect that you joined the Board of Directors at the April 28, 2022 meeting. In reviewing CDA Board attendance for 2022, our records reflect that the April meeting was the only meeting you attended, having missed the next 8 regular monthly meetings. The CDA policy provides that if a member misses three consecutive meetings or three-fourths of the regular meetings in a calendar year, the member may be replaced at the discretion of the Board of Directors.

If your schedule no longer allows you to participate on the Board of Directors, please submit a letter of resignation so that the Board can request that the Common Council appoint a new member.

Please respond at your earliest convenience.

Best,

John Weidl
City Manager

cc: Patrick Singer, CDA Chair