



COMMON COUNCIL AGENDA

Common Council Meeting

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

Tuesday, February 7, 2023 - 6:30 p.m.

This will be an in person AND a virtual meeting.

Citizens are welcome (and encouraged) to join via computer, smart phone, or telephone.

Citizen participation is welcome during topic discussion periods.

You are invited to a Zoom webinar.

When: Feb 7, 2023 10:00 AM Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88939447335?pwd=UmQ4ZFZFAzTjYwdGhyWmRTQURqaGV1UT09>

Passcode: 854973

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799

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.

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

CONSENT AGENDA:

CA-A	Approval of Council Minutes of 1/17/22.	P. 1
CA-B	Acknowledgment of Receipt and Filing of: *CDA minutes of 12/15/22; - P. 11 *Finance Committee minutes of 10/11/22; 10/13/22; and 11/22/22; - P. 14 *Irvin L. Young Memorial Library Board minutes of 12/19/22; - P. 26 *Parks and Recreation Board Minutes of November 16, 2022; and – P. 39 *Police and Fire Commission Minutes of 11/16/22. – P. 42	
CA-C	Expedited Approval of the Following Items, per City Staff Recommendation: R-1, C-13	

CITY MANAGER REPORT.

STAFF REPORTS: **Finance Director:** Update on Water Case Rate. – P. 44

*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	Rescinding real estate taxes erroneously charged to Anchor Bible Church on Putnam Street.	P. 106
R-2	Request for adoption of 2022 Budget Amendment No. 2. (Finance Director Request).	P. 108
R-3	Resolution ending the Use of the City of Whitewater Employee Manual in City of Whitewater government. (City Attorney Request)	P. 111

ORDINANCES: First Reading: None.

ORDINANCES: Second Reading:

O-1	Ordinance Repealing Section 2.70.010 – City of Whitewater Employee Manual. (City Attorney Request)	P. 112
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CONSIDERATIONS:

C-1	DNR presentation regarding UTV and ATV ordinance, discussion, and request for direction regarding the same. (DPW Director Request)	P. 113
C-2	Request for approval of Governance Policy. (City Manager Request)	P. 126
C-3	Update on, and request for approval of, the disposition of the MRAP vehicle. (Police Chief Request)	P. 132
C-4	Authorization for submission of grant to purchase of body camera equipment. (Police Chief Request).	P. 136
C-5	Update on Community Sustainability Survey. (Neighborhood Services Director Request).	P. 138
C-6	Discussion and possible direction regarding extinguishing Street Lights in the Business Park. (DPW Director Request).	P. 181
C-7	Request of approval of agreement between State of Wisconsin and City relating to Walworth Avenue street repairs, from Janesville Street to Rock County. (DPW Director Request).	P. 185
C-8	Request for approval of agreement between State of Wisconsin and City relating to asphalt replacement on Innovation Drive. (DPW Director Request).	P. 194

C-9	Request for acknowledgment of agreement between State of Wisconsin and Town of Whitewater as it relates to asphalt replacement on Howard Road. (DPW Director Request).	P. 203
C-10	Request for extension of PropertyX LLC Development Agreement construction deadline. (City Manager Request).	P. 213
C-11	Appointment of councilmember representative to Finance Committee, due to Luke Schreiber's resignation from Committee. (City Manager Request).	n/a
C-12	Appointment of Councilmember to serve on City of Whitewater / Whitewater Unified School District Joint Board, relating to Aquatic Center Management. (City Manager Request).	P. 219
C-13	Acceptance of storm water drainage easement across property owned by Roderick and Mary Dalee. Property is located west of Prince Street and south of Walworth Avenue. (Tax Parcel /A 712 00002)	P. 220
*C-14	Removal of CDA Board member, Jake Gildemeister, from Community Development Authority Board. (City Manager Request).	P. 234
C-15	Councilmember Requests for Future Agenda Items and/or POLCO questions.	
C-16	<u>EXECUTIVE SESSION.</u> Adjourn to closed session, <u>TO RECONVENE</u> , 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 (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) Negotiation of Legal Services Agreement with Harrison, Williams and McDonell; and 2) City Manager Evaluation.	
C-17	Reconvene into Open Session	
C-18	Possible approval of agreement for legal services with Harrison, Williams and McDonell. (City Manager Request).	
C-19	<u>Adjournment.</u>	

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

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

January 17, 2023

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

It was moved by Schreiber and seconded by Brown to approve the Council Minutes of 12/6/22 and 12/20/22; and to acknowledge receipt and filing of the CDA Minutes of 11/17/22; the Library Board Minutes of 11/21/22; the Plan and Architectural Review Commission Minutes of 12/12/22; the Public Works Committee Minutes of 10/11/22; and the Whitewater Police Department 2022 Third Quarter Report. AYES: McCormick, Smith, Allen, Majkrzak, Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

CITY MANAGER REPORT. City Manager Weidl highlighted events in the City including the beginning of TDS laying optic cable in the City. Also mentioned were water main breaks, hydrant flushing, and the fire that occurred at John's Disposal Plant.

STAFF REPORTS. **Proclamation honoring retiring Fire Chief, Mike Higgins** – City Manager Weidl read a proclamation honoring **Mike Higgins** for forty-one years of service with the Whitewater Fire Department. **Update on Immigration Advisory Attorney:** City Manager Weidl stated that he would try to answer any questions the Council had. Councilmember Gerber asked if the two-hour presentation to department directors and impacted city staff would be open to Common Council as well. She would like to attend. Weidl said that he would follow up with the Chief and get back to her as to details about the presentation.

HEARING CITIZEN COMMENTS. None.

RESOLUTION AUTHORIZING SALE OF REAL ESTATE AT 424 FOREST AVENUE. The Library Board owns the property at 424 Forest Avenue, which was purchased some time ago for the purpose of library expansion. It has been determined that the property is no longer needed under the current expansion plans, and was listed for sale. The property is owned by the City on behalf of the Library Board. The Title Insurance company would like the Common Council to adopt a Resolution approving the sale.

**RESOLUTION AUTHORIZING THE TRANSFER OF REAL ESTATE LOCATED AT
424 FOREST AVENUE, WHITEWATER, WISCONSIN**

WHEREAS, the City of Whitewater Library Board is the beneficial owner of real estate located at 424 Forest Avenue, Whitewater, Wisconsin, and

WHEREAS, for legal reasons, said property is held in the name of the City of Whitewater, and

WHEREAS, the City of Whitewater Library Board has decided to sell said property and because the property is held in the City of Whitewater's name, it is necessary and appropriate for the City of Whitewater Common Council to pass a resolution authorizing the transfer,

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Whitewater approves the sale of 424 Forest Avenue, Whitewater, Wisconsin, based on the terms of the sale approved by the Library Board, and the City Manager and City Clerk are authorized to sign any documents necessary to transfer said property.

Resolution introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Schreiber. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None. ADOPTED: January 17, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

AMENDMENT TO 2023 SALARY RESOLUTIONS TO ADJUST FOR NEW FIRE AND EMT POSITION SALARIES. Amendments were made to the 2023 salary resolution, to adjust for new fire and EMT positions. Fire Chief Kelly Freeman indicated that various staffing models were reviewed, including the “24-48” model, the “48-96” model, and the California model. The 24-48 model is where employee works 24 hours, then has 48 hours off. Freeman said that this model is harder to staff in regard to sick and vacation time. The 48-96 model has an employee work 48 hours and have 96 hours off. Freeman said that this model could lead to a lower level of care toward the end of a 48 hour shift, if there had been many calls and the employees are tired. The California model is one that was chosen as the best fit for the fire department. (Salary Resolution attached as Exhibit A to Minutes).

Allen moved approval of the amendment to the salary resolution. Schreiber seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None. ADOPTED: January 17, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

SUBMISSION OF GRANT APPLICATION TO VIBRANT SPACES, TO MAKE IMPROVEMENTS AT THE WHITEWATER EFFIGY MOUNDS. Parks and Recreation Director Eric Boettcher stated that over the last couple of years, there has been an effort to clean up the effigy mounds park. He is asking for \$25,000 and to apply for a \$25,000 matching grant through Vibrant Spaces to continue the cleanup, with improvements to the park entrance area. It was moved by Allen to authorize submission of the grant application. Brown seconded the motion. Councilmember Gerber asked whether any other locations had been considered. She thought there had been discussion about improving the downtown outdoor eating area. Boettcher indicated that only the Effigy Mound Park location had been considered. Weidl said that the money for the mound park is already allocated in the approved budget. Gerber said that she would have liked to see more than one project considered for this grant. McCormick stated that this project has been put off for too long and this is a feature that should be showcased.

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A WISCONSIN ECONOMIC DEVELOPMENT CORPORATION VIBRANT SPACES GRANT

WHEREAS, State monies are available under the Wisconsin Economic Development Corporation (WEDC) Community Development Investment (CDI) program; and

WHEREAS, the City of Whitewater, Wisconsin has been notified of a project that is

eligible for a CDI grant application through WEDC, and said project would enhance and develop public spaces; and

WHEREAS, per the WEDC CDI grant program, the Community Development Authority of the City of Whitewater, Wisconsin must apply for the grant, and if awarded, will pass through funds to the project owner; and

WHEREAS, the Common Council must authorize the preparation and filing of a grant application for the Parks and Recreation Department for the City of Whitewater, Wisconsin to receive funding through this program.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Whitewater does approve and authorize the Parks and Recreation Department of the City of Whitewater, Wisconsin

to take all necessary steps to prepare and file the grant application for funds under the WEDC CDI program in accordance with this resolution; and

BE IT FURTHER RESOLVED, that if the grant is awarded, the Parks and Recreation Department of the City of Whitewater, Wisconsin Parks and Recreation Director may enter into an agreement with WEDC to accept the funds and expend the grant funds in a manner that is in accordance with the terms of the WEDC CDI Vibrant Spaces grant award.

Introduced and adopted at a regular meeting of the Common Council of the City of Whitewater on January 17, 2023 by a vote of seven in favor and zero opposed.

AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None. ADOPTED: January 17, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

RESOLUTION URGING STATE TO FIX BROKEN SYSTEM OF FUNDING CRITICAL LOCAL SERVICES. City Manager Weidl said that there is currently a caucus considering changing the amount of money allocated to local governments, possibly to increase the amount. The League of Municipalities has asked municipalities to pass this resolution. McCormick asked if this was in relation to the large state budget surplus. Weidl said that it was.

Urging Legislature and Governor to Fix Broken System of Funding Critical Local Services

Whereas, Wisconsin's system for funding vital local services like police, fire protection, EMS, well maintained streets, parks and libraries is broken, unsustainable, and needs to be reformed; and

Whereas, communities are forced to rely on property taxes and flat or declining state aid to pay for critical local services that residents and businesses need; and

Whereas, state sales and income tax revenues have tripled in the last 30 years, but the share of those taxes going to support police, fire, EMS, and other local services has gone DOWN; and

Whereas, over the last 20 years, state aid for police, fire and other critical services has steadily declined in real dollars, while inflation has caused average prices to increase by 51 percent. (The funding level for County and Municipal Aid in 2003 was \$938,529,507. Today, it is \$753,032,613); and

Whereas, County and Municipal Aid payments to the City of Whitewater has dropped from \$4,316,975 in 2003 to \$3,297,178 in 2022; and

Whereas, the steady decline in the state's contribution to the cost of critical local services has forces communities to rely more heavily on property taxes to maintain police, fire, and EMS service levels; and

Whereas, the over reliance on property taxes to pay for critical local services must end; and

Whereas, to compete globally, Wisconsin needs to develop and maintain quality communities that can attract and retain talent and enterprise and spur job creation; and

Whereas, for local communities to flourish and the state's economy to grow, state and local leaders must work collaboratively; and

Whereas, Local governments need reliable, growing, sustainable, and diverse sources on revenue to continue to deliver police, fire protection, ambulance services and safe streets now and into the future.

Now, Therefore, Be It Resolved, that the City of Whitewater urges the Legislature and the Governor to work collaboratively with the League of Wisconsin Municipalities, Wisconsin Counties Association, Wisconsin Towns Association, other local government leaders, and business leaders to create a better way of funding local governments that includes revenue options other than property taxes to continue delivering police, fire, EMS, and other critical services.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Brown. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None. ADOPTED: January 17, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE REPEALING SECTION 2.70.010, CITY EMPLOYEE MANUAL. City Manager Weidl stated that the first step in the process of changing from an employee manual to a policy structure is to repeal the ordinance requiring an employee manual. **Majkrzak moved to repeal the ordinance section 2.70.010.** Allen stated that he thinks there should be a new ordinance before repealing the current one. He said that this is a big topic and wondered if it should wait for the new Council to be seated. Smith asked for clarification as to whether repealing the ordinance would repeal the physical employee manual, not remove all of the policies previously approved. Smith thought it would just allow for the flexibility of a digital version.

Weidl indicated Smith was correct. If the Council wants an employee manual, Weidl said that it could be done, but steps had been previously taken by prior administration to move toward a policy structure. Weidl noted there are a series of policies that are being enforced, and the employee manual is not up to date. Councilmember Allen agreed that an electronic version would be acceptable.

Councilmember Gerber asked whether the policies will still be enforced if the ordinance is repealed. Weidl concurred they would. He stated that later on the agenda there is an item regarding the proposed governance policy, which is also being worked on. This is the policy which guides how policies are created.

Councilmember Gerber said that if there are two different policies, why had nothing come to Council previously, to update the policies. Weidl stated that the City has an out of date manual, but up to date policies that reflect the intention of the manual. Weidl said this is what the Council asked for. Gerber said that the policies, except for possibly three, have not been updated; they were merely transferred to an electronic version. Gerber questioned why the Council would repeal something that was not changed.

Councilmember Allen asked whether this is something Human Resources has been working on. Weidl responded that the project has been ongoing for about one and a half years. He noted that the policies are being used, and the governance policy guides that. Gerber asked why both can't be updated, and then the Council choose one option. Councilmember Schreiber asked what the difference between the manual and the policies is. Weidl indicated that they are essentially the same information.

Councilmember Schreiber asked whether the policies have been updated. Weidl said that some have. He indicated that the staff will create based on whatever direction the Council would like to go. He indicated that staff should go back and make sure everything is up to date. Weidl opined that it was not the best use of staff time to update both the manual and policies, and subsequently choose one. Weidl requested that a direction be chosen first. Allen said that it makes sense to take what we have and make it electronic. Weidl responded that they are already electronic and accessible to the employees.

Councilmember McCormick suggested the formation of a policy committee to review and streamline them. **Brown seconded the motion to repeal the ordinance.** Attorney Wallace McDonell said that this repeals the document called the "employee manual", so that it will not be a governing document imposed by the Common Council via ordinance. After ordinance repeal, there will be a second action by the Council to repeal the manual as it relates to the administrative aspect. Weidl stated that everything in the employee manual is in the policy structure with some additional policies that do not apply to every employee. Allen asked if changes will come to Council. Weidl said that they would. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Gerber, Allen. NOES: None. ABSENT: None.

DUTIES OF A COMMUNITY DEVELOPMENT AUTHORITY; CDA FUNCTIONS; AND LEADERSHIP OF CDAs. Kristin Fish-Peterson of Redevelopment Resources presented a short description of Community Development Authorities (CDAs). She explained that a CDA is a separate body for the purpose of carrying out blight elimination, slum clearance, urban renewal projects and housing projects. A CDA combines the functions of a housing authority and a redevelopment authority. It is comprised of seven residents, usually five residents and two Common Council members, who have experience and ability in urban renewal, development and housing. A CDA can prepare, carry out, acquire, lease and operate housing projects approved by the council, and provide for the construction, reconstruction, improvement, alteration or repair of a housing project.

A CDA acts as agent for a government in connection with the acquisition, construction, operation or management of a housing project. A CDA may acquire property through eminent domain. A CDA can own and sell property, invest funds, sue and be sued, prepare plans for redevelopment and urban renewal

and carry out those projects within the City limits, enter into contracts to fulfil its purposes, and borrow money, issue bonds, and lend money.

Fish-Peterson provided examples of how other communities have used CDAs. These include overseeing planning activities for redevelopment and new development, creating and operating loan funds, implementing redevelopment projects, overseeing development deals, constructing and managing public housing, and constructing and managing incubators. A CDA is typically staffed with City employees who serve the organization as well as the City. A CDA is the first stop for development approval. If incentives are involved, such as TIF, it moves on to Common Council for final approval.

CDAs are able to run loan programs without Common Council approval, except for original capital funding. Large projects involving City owned property or incentives, start with the CDA and move on to Common Council for final approval. Development and redevelopment planning happens at the CDA level and moves to Common Council for final approval. Whitewater has used the CDA as development agent for housing and industrial properties, realtor, lender, marketer and to attract businesses. Some funds used by the CDA include the housing program, mostly funded through CDBG grant money; the façade fund, capital catalyst fund, Pauquette Center Loan fund, and UDAG fund.

Fish-Peterson stated that CDA members serve at the request of the City manager and are approved by the Common Council. It is important to appoint people with the talents and skills that will help the process.

Councilmember Allen commented that the CDA manages the Business and Tech Park and Innovation Center, and is quasi independent. Allen noted that there are times come in and do not want to bring their project in front of a group of administrators. The director then works directly with the management team at City Hall to make things happen. Allen indicated that over the last several years, the CDA has tried to streamline the process to make things happen as quickly as possible, so as not to make developers feel as though they were turned away. Allen stated that about half of the funding comes from the City and half from profits from the CDA. He said that he thinks it is pretty clear what properties are owned by the CDA and which are owned by the City.

City Manager Weidl indicated that there are times when the City holds the title out of necessity, but the properties are not really the City's. Weidl said that the goal is to get everyone going in the same direction. Councilmember Allen said that over the last several years, a lot of those questions have been answered. Weidl asked whether the Council is leaving the appointing of the CDA director and the handling of those duties to the CDA?

Allen indicated that the CDA manages the TIF districts, and the TIF law, and that the CDA has it's own staff. Allen said that typically it has been the CDA members along with the City Manager who have chosen the CDA Director, although Allen agreed that can change.

Weidl said that he will go to the CDA to see how they want it handled, but wants to know if the Council generally wants the City Manager to work with the CDA to handle it. Brown said that the City has a housing crisis and needs new housing, but has some beautiful homes that need to be repaired. She would like to see the CDA be able to give low interest loans to homeowners to be able to fix up their homes. Weidl said that the City secured \$1.9 million for housing and Council can turn some of that over to the CDA. Allen said that this is where the CDA has fallen short. There already is money for low interest loans, but the public does not seem aware. Majkrzak said that as far as hiring a CDA Director, he likes the approach Allen mentioned. Majkrzak appreciated the explanation as to when the CDA needs to go before the Council for approvals.

Councilmember Smith opined that in hiring a CDA Director, the CDA should have some input, but the appointee needs to be someone who works with the municipal team on a more regular basis. She feels the City cannot sit on the housing extension money any longer; that a policy is needed quickly. Smith would like to see a review of ordinances to see if they allow for reactivity to blighted properties. Smith also said she would like to see a much larger focus on the big picture, instead of reacting to what is needed now, look farther ahead several years.

Resident, Jeff Knight, 405 Panther Court, stated that one of the restrictions is staff turnover. He said that he would like to see the term limits of CDA Board members reviewed and possibly increased. Knight stated that he would be willing to help the CDA and Fish-Peterson.

TELECOMMUTING POLICY. City Manager Weidl stated that under the administration of the former City Manager, some employees have been allowed some form of telecommuting. For consistency, Weidl feels that a formal policy is needed if telecommuting is going to continue.

Councilmember McCormick asked whether telecommuting started as a result of the pandemic. Weidl confirmed it did, but there is holdover for several organizations, including some government organizations. McCormick said that the City is a community service organization, and she believes that everyone should be working in person. McCormick asked, since this is allowed and someone is approved to do it, what is to prevent them from, instead of taking a sick day, working from home because they didn't have child care. She notes there are some loopholes.

Weidl said that he understands and that it is reasonable to not allow it, or allow it in very limited circumstances, but that is up to the Council to decide. Weidl stated that the City has approved the use for pregnancy leave, when a new parent is looking for child care; or in circumstances of injury; and some allowances out of convenience. Councilmember Allen stated that it seems like the ability has been extended to administrators, not line staff, which can cause a rift and bad morale. He said he agrees with McCormick that our local government is a service organization and when someone has a Park and Recreation question they expect to be able to come in and speak to someone. He reiterated that the policy seems to favor administration, rather than hourly staff and Allen said he would be voting no.

Councilmember McCormick said if there is another pandemic, maybe it can be readdressed. Allen said that there may be extra special circumstances where Weidl should be able to have the ability to say yes to someone regarding this. Brown said that it should be an option, even if it is a rare option. It can be revisited on maybe a six month basis, but she feels it should be an option if needed. Majkrzak agreed with Brown and said that Weidl should have the ability to manage this is appropriate. It doesn't apply to everyone in any organization, but that is not a reason not to allow it.

Councilmember Schreiber stated that he does not like the idea of allowing telecommuting. After his experience attending virtual classes, he said he is not as focused when attending online. There are too many distractions, and potential downfalls in productivity. If it is allowed, it should be only in extraordinary circumstances, not just for convenience. Schreiber said that in a service industry, the public expects to see employees in the office, and someone should be there at all times.

Councilmember Smith stated that Weidl did indicate he wanted to see some kind of action on this. **Allen moved that this policy be struck down and the language that under extraordinary circumstances, the City Manager has the ability to waive the policy on a one month basis, as long as it is communicated through email to the City Council before it must be reevaluated. Councilmember McCormick seconded the motion.** Majkrzak wondered how other organizations are using this and defining short term, and if one month is an appropriate length of time as compared to other organizations. It would be wise to come back when that length of time is determined. Weidl stated that he is comfortable with revisiting it

every month. If it isn't working he will bring it back to Council. AYES: McCormick, Smith, Majkrzak, Schreiber, Gerber, Allen. NOES: Brown. ABSENT: None.

GOVERNANCE POLICY. Weidl stated that the City needs guidance on how the City Manager or other staff forwards policy recommendations to the Council, or how the Council would come up with the policy recommendations themselves and how the manager would deal with those recommendations. Councilmember McCormick asked who the "policy owner" is. Weidl explained that it is the staff person most likely responsible for keeping that policy up to date, and if recommendations need to be made, that person is making them. McCormick clarified that it is just a generic term and Weidl said that it was.

Councilmember Allen asked if there is an immediate need for this or if it should be put off for the future Council. Weidl said that there is not an immediate need, but having just repealed the employee handbook, there is a need for this within the next several months. Weidl said he would like to know how the Council would like him to proceed.

Councilmember Gerber asked if the sections within the policy would be policy owner, standard, guidelines, and procedure. Weidl said that was correct. Gerber said that the policy draft states that for storage the Finance and Administrative Services Director would ensure that the duties are completed in a timely manner. She thought storage and retention of records should fall under the City Clerk. Weidl said he is open to changes. Gerber said that it talks about an annual review of policy documents on a three to five year cycle. Is that all of the policies or can it say which policies will be reviewed when, so they know what they can expect to see. It talks about review in a timely manner. Is that the three to five years. It talks about a review process, but doesn't say who is in the review process.

Weidl said he would look into all of the sections that Gerber mentioned. The Council asked for this information to be clarified and brought back to the Council. Smith asked what kind ability there was to put the policies online for transparency purposes.

SPECTRUM UPGRADE EQUIPMENT AND REQUEST FOR APPROVAL OF \$9,000 EXPENDITURE FOR EQUIPMENT. Based on existing cable franchise agreements, the City receives franchise fee income and the ability to broadcast content on the cable provider's network. Since mid-2020, the City has not been able to get Charter / Spectrum to respond or furnish and install the digital equipment. The cost of the equipment needing installation is \$9,000 plus installation fees. It was moved by Allen and seconded by McCormick to authorize the expenditure of up to \$15,000 for the installation of digital broadcast equipment. AYES: Majkrzak, Allen, Schreiber, McCormick, Brown, Smith, Gerber. NOES: None. ABSENT: None.

AGREEMENT WITH VEOLIA FOR SOUTHWEST WATER TOWER TANK ASSET MANAGEMENT. With the new Southwest Elevated Tank now in service, city staff reached out to Veolia (the City's current provider) to inquire about a Tank Asset Management Program, similar to the one in place for the Cravath Elevated Tank. The Program covers ten years with preprogrammed annual payments. The Program covers annual tank inspections with reports, necessary cleanings/disinfections and repairs, emergency services, and power-washing. Renovation after the 10th year would include bringing the condition of the tower and coatings to like new conditions. Items include and overcoat painting of the exterior with appropriate surface preparation, blast and recoat the interior of the tank, damage to the tank is repaired and any appurtenances are brought up to the current standards. The ten-year total of \$360,763 is broken into ten approximately equal payments. Year one payment was reduced to be able to fit the payment into the 2023 budget. Additional money was added to years 2-6 to make up the difference. The proposed costs are in line with the current costs associated with the Cravath

Elevated Tank. By implementing a program such as this, the water utility can incorporate the costs on an annual basis rather than waiting for a one-time bigger cost where borrowing would more than likely need to occur. The current program with the Cravath Street elevated tank has been in service since at least 2009 and works very well. It was moved by McCormick and seconded by Allen to enter into an agreement with Veolia on the terms proposed. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. Absent: None.

REQUEST FOR APPROVAL OF TASK ORDER WITH STRAND ASSOCIATES FOR WATER STORAGE BUILDING DESIGN. It was moved by Allen and seconded by Majkrzak to enter into Task Order 23-02 with Strand Associates, for a sum not to exceed \$90,000, for design of the new storage building for the water department. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

STRATEGIC PLANNING PROCESS. Steve Chiemeliewski and Jerry Braatz of the University of Wisconsin Extension were present. City Manager Weidl explained that Whitewater's last Strategic Plan was completed in 2017. Steve noted that biennial budget priorities would be discussed. There would be a three-hour workshop. Participants would work to understand strengths and ways others process information, such as different learning styles and understanding ways you could better work together. This would include staff and Common Council. The process would consist of three-four meetings with a timeline of completion by March 15. Public participation would occur. The intent would be to narrow it down to three-five strategic directions. UW Extension's cost would be \$10,000. City Manager Weidl requested a determination on whether the Council wanted an event or a process. The number of public sessions to be held was discussed, and there were varying opinions. Councilmember Smith believes it is critical to keep moving forward. Councilmember Brown recommended inviting the council candidates. Councilmembers were open to comparing CVMIC and UW Extension services. City Manager Weidl summarized by confirming that he will obtain further information from both CVMIC and UW Extension and plan on multi-sessions. City Manager Weidl indicated further information would be brought to the next council meeting.

FUTURE AGENDA ITEMS AND/OR FUTURE POLCO QUESTIONS. None.

EXECUTIVE SESSION. It was moved by Smith and seconded by Allen to adjourn to closed session ***TO RECONVENE***, pursuant to Wisconsin State 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". **Items to be Discussed:**
1) Negotiation of agreement with Whitewater Unified School District relating to Whitewater Aquatic and Fitness Center; and 2) Negotiation of agreement with Verizon to lease ground and water tank space on new Southwest water tower (to allow for installation of telecommunications system). AYES: Majkrzak, Allen, McCormick, Schreiber, Brown, Gerber, Smith. NOES: None. ABSENT: None.

RECONVENE INTO OPEN SESSION. The council reconvened into open session at 8:40 p.m.

COUNCILMEMBER APPOINTMENTS TO COMMITTEE TASKED WITH NEGOTIATING NEW AGREEMENT FOR WHITEWATER AQUATIC AND FITNESS CENTER. It was moved by Allen and seconded by Schreiber to appoint Lisa Dawsey Smith and Jill Gerber to the Whitewater Aquatic and Fitness Center negotiating committee. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

ADJOURNMENT. It was moved by Allen and seconded by Majkrzak to adjourn the meeting. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None. The meeting adjourned at 8:42 p.m.

Respectfully submitted,

Michele R. Smith, Clerk



**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 19, 2023.

ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE FINANCE COMMITTEE OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.

Finance Committee Meeting Minutes of October 11, 2022

Video of this meeting can be found online at <https://www.whitewater-wi.gov/AgendaCenter>

1. **Call to Order and Roll Call** – The meeting was called to order by Finance Committee Chair, Greg Majkrzak, at 4:30 pm. Finance Committee members present: Greg Majkrzak, Lisa Dawsey Smith, and Lukas Schreiber.
2. **Hearing of Citizen Comments** – there were none.
3. **Discussion and Direction on the Following:**
 - a. **2022-2023 Budget Review** – Finance Director Steve Hatton stated that this is the second of three special Finance Committee meetings to review the amended 2023 budget, which was originally adopted in November 2021 as part of a biennial budgeting process. This meeting will be reviewing Library, Parks and Recreation, and a number of special revenue funds. Hatton indicated that there were a few changes in the budget that was presented to the Council on October 4, 2022. Updated State Transportation Aid amounts were received. The aid will be about \$6000 less than estimated. As a result, Intergovernmental Revenues went down \$6874. This decrease was offset with an increase to Interest Income in the same amount. Hatton said that he still feels that the interest income number is conservative. The other change is in Scenario B, should the referendum not pass. This is to hold open a vacant patrol officer position, per the request of the Finance Committee. At the close of calendar year 2021, there was a surplus of \$260,000 that was put into fund 210 until the Fire/EMS integration had taken place. A portion of this surplus is being transferred into the general fund in the 2023 Budget to fund this patrol officer position should the referendum not pass (Plan B). There is a corresponding offset in the police patrol officer cost center. City Manager Weidl stated that this is a one-year fix. The Plan B Scenario in its entirety is a fix until the City can decide if it is going to referendum again and what that would look like. Hatton stated that it is better to fund the position through a transfer in instead of using general fund balance. Hatton said that the Library Director had not arrived at the meeting, so they would begin by going through Parks and Recreation.

Parks and Recreation Budget – Hatton stated that there are slight changes from the original 2023 budget. These include a 4% wage increase for all employees, and slight changes in the benefits lines. The most notable change is that Recreation Administration, Recreation Programs, and Seniors Programs are all blank. All of the activity from these three funds is being transferred to fund 248, the Recreation Programs fund. This will mean that all revenue and expenses for programs related to parks and recreation will be in one place. Hatton indicated that in the past, about \$30,000 was transferred into the General Fund from Fund 248 to cover the overhead costs, but now with those three funds incorporated into Fund 248, there will be an outgoing transfer from the General Fund to Fund 248 to help balance that fund.

Parks Administration – Parks and Recreation Director Eric Boettcher stated that this is for anything dealing with administration. This is mainly salaries and benefits. Some of the allocation for this has changed from the original 2023 budget. This is because the Recreation Administration salaries were in the General Fund and now are reflected in this account (Fund 248).

Park Maintenance – This account is for maintenance of trees and landscaping when outside vendors are paid to come in and do mowing, if they don't have enough seasonal staff. Seasonal staff wages come out of the Wages/Temporary account.

Community Events and Facilities – This is for anything that the Parks and Recreation sponsors for community events. In the past, there were funds given to the 4th of July, but those funds are now going to the purchase of the amphitheater.

Community Based Cooperative Projects Expense Detail – Boettcher stated that this is the funding for the Aquatic and Fitness Center, which is Fund 247.

Facilities Maintenance – Boettcher said that this includes 2 full time, plus part time staff to maintain seven facilities.

(Councilmember Gerber joined the meeting virtually at this point – 4:44 pm)

Library Facility Maintenance – Hatton stated that this is a separate cost grouping for maintenance at the library. Weidl asked if the City owns the building. Boettcher said that the City doesn't own it, just takes care of it. Hatton indicated that the portions relating to the facility are carried in the General Fund rather than the Library operating budget.

Fund 217 – Building Repair – Boettcher said that this is money to cover anything that breaks at facilities. The goal is to reach \$100,000 balance in this fund to use for unexpected repairs, such as an elevator breaking down. Weidl asked what happens at \$100,000? Is that just a goal? Boettcher said that it's just a goal. Hatton said that if the balance reaches \$100,000, contributions to this fund could be moderated or discontinued. Weidl asked if there are any planned expenses out of this fund for 2023, or if it is purely reactive. Boettcher stated that it is purely reactive.

Fund 225 – Skate Park - Boettcher stated that the skate park is funded through donations. If resurfacing or maintenance needs to be done at the park, this the money would come from this fund. Hatton said that there are no known budgeted revenues or expenses for this fund, but it carries a balance of about \$5400.

Fund 240 – Parkland Acquisition – Boettcher said that this fund is for purchasing new parkland. Development fees would also come from this fund. Hatton stated that there

are no budgeted revenues or expenses for this fund, which carries a balance of about \$53,000.

Fund 254 – Parkland Development – Boettcher said that this fund comes out of park dedication fees. This is to fund playground replacement and additions. This fund is also being used with the arboretum at Starin Park grant program. This fund is paying expenses that will be refunded with grant money when it comes in.

Fund 246 – Field of Dreams - Boettcher stated that tournament revenue funds this account. Team numbers have been low since pre-Covid, but are starting to build up again. Hatton stated that at the end of 2021, there was a fund balance of a little more than \$60,000. The goal is to have a fund balance of \$100,000 for field replacement when needed. This is intended to be a self-sustaining fund. There are Sports Coordinator wages that come out of this fund, as well.

Fund 247-Aquatic Center – Boettcher said that this is the fund used to run the Aquatic and Fitness Center. Boettcher is looking to finish the year with a positive balance in the fund since pre-Covid. Majkrzak asked about the roof on the building. Hatton stated that it is almost 20 years old, and is coming to the end of its life.

Fund 248-Parks and Recreation Special Revenue – Boettcher said that this is the fund with the biggest change. All programs were moved to this account to more accurately show program revenue and expense. These aren't new items, they were just moved from a different place in the budget (General Fund).

Fund 272-Lakes Improvement – Boettcher said that this account has been dormant since the lake-drawdown project began. The lakes project came out of Capital Fund 450, not this fund. This fund is used for weed harvesting and lakes assessments, which are currently being paid for as part of the lakes project. After 2023, when the lakes project is complete, this fund will be revived.

Fund 459-Depot Restoration – Boettcher said that this fund is used to do upgrades to the old train depot. There are currently no projects planned. Hatton said that this fund is carrying a balance of approximately \$30,000, which was mostly fundraised in the past when the building was last renovated.

Fund 200 – Media Services – Hatton said that, historically, this is where the City has carried the TV station. It has now been expanded to include social media, press releases and the city website. The revenue comes mainly from the cable franchise fees that the city receives. This revenue has been declining with the increase of streaming platforms. With TDS coming, revenues will hopefully increase.

Fund 205 – 27th Payroll – Hatton said that every 11 years, there are 27 pay periods for the year. With the payroll per pay period totaling about \$200,000, that is not something the City can absorb in a single budget year. Each year, \$15,000 is set aside in this fund to cover this extra payroll. Majkrzak observed that the fund will still be short \$50,000, and we may want to consider increasing the annual amount set aside.

Fund 208 – Parking Permits – Hatton stated that this fund is for the revenue generated from the sale of parking permits for the City parking lots. The intent is to accumulate a balance adequate to fund repaving and restriping the City parking lots. The goal is to have a balance of \$125,000. Smith asked when the last time parking permit fees were raised. Hatton said he didn't know and would have to research that.

Fund 235 – Rideshare Grant Program – Hatton stated this program is funded by grants from the Federal and State governments and fare box revenue. Ridership has been declining since 2012 and it is becoming more difficult to fund. This is the last year of a 5-year contract for the Rideshare Program.

Fund 260 – Sick Leave Severance – For employees hired prior to 2011, upon leaving employment with the City, they could be paid for accumulated but unused sick time. This fund is for those payouts. There are a few remaining employees that are eligible for this.

Fund 271 – Insurance-SIR – This fund is set aside for any liability claims against the City, according to Hatton. The City is responsible for the first four claims up to \$25,000 each per policy year. The fund is the reserve for claim payments. If the reserve is built up, the City may look at higher deductible insurance to save costs. The last claim paid was in 2021.

Fund 452 – Birge Fountain - This fund was created for a large restoration project on the fountain. It has also been used for smaller maintenance expenses. A reserve for a major restoration or repair is maintained in this fund. There are no significant projects on the horizon.

Fund 920 – Innovation Center – Hatton stated that this is the fund for the operation of the Innovation Center. Most of the revenue for this fund comes from rent. Since beginning, there has been a pilot payment to TID 4 in the amount of \$92,500 annually. With the closure of TID 4, that \$92,500 will remain in this fund for capital replacements, such as the geothermal system or roof. Majkrzak asked if that amount will be seen in the fund. Hatton replied that it would, it will build up in the fund for capital expenditures.

Fund 220 – Library – Library Director Stacey Lunsford said that most of the library's revenue comes from the City, but a portion comes from services provided to rural

residents in adjacent counties (Walworth, Jefferson, and Rock). Walworth County has changed its funding formula and because we belong to a regional library system including Jefferson County, not Walworth, it is funding the library as if it is in an adjacent county, not at the same level as the rest of the libraries in the county. This has resulted in a reduction in revenue of around \$23,000 for the budget years of 2022 and 2023. This reduction coupled with the increased cost for digital offerings is creating a need to address the changing needs and funding. Majkrzak asked if the contract revenue is expected to increase. Lunsford said that it is based on the number of people who actually come into the library and check something out. After Covid, she just can't predict what that will be. Hatton stated that the General Fund transfer out to support the library is \$470,000 for 2023.

Hatton stated that he will look into Fund 205 to make sure the funding numbers are correct and Fund 208 to see when parking permit fees were last increased.

Majkrzak said that some of the funds do not have targets included. He asked that if there is a target that it be included in the description.

4. Future Agenda Items – None.

5. Next Meeting Date – October 13, 2022 at 5:30 pm.

6. Adjournment – Smith moved to adjourn. Schreiber seconded. Motion passed on unanimous voice vote. Meeting adjourned at 5:26 pm.

Respectfully Submitted,

Andrea Jacobs
Administrative Assistant/Deputy Clerk

ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE FINANCE COMMITTEE OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.

Finance Committee Meeting Minutes of October 13, 2022

Video of this meeting can be found online at <https://www.whitewater-wi.gov/AgendaCenter>

1. **Call to Order and Roll Call** – The meeting was called to order by Finance Committee Chair, Greg Majkrzak, at 5:30 pm. Finance Committee members present: Greg Majkrzak and Lisa Dawsey Smith. Committee member Lukas Schreiber was absent.
 - a. **Authorization to Hold Finance Committee Meeting with Less Than 72 Hours' Notice, As Required by City of Whitewater Transparency Ordinance** – Finance Director Hatton indicated that the meeting time change was made to resolve a conflict with the City Manager interviews. Item 2a was also added late to the agenda but did not require the 72-hour waiver. Smith moved to approve holding the meeting with less than 72-hour notice. Majkrzak seconded the motion. Motion passed by unanimous voice vote.
2. **Staff Updates**

Shared-Ride Taxi – 2023 Contract – Hatton stated that this contract has to be rebid every five years. There is an initial two-year contract with three one-year options. The contract rate is adjusted by the CPI from August and the hourly rate will be increasing to \$36.65 for this year's option. Hatton said that the option has already been signed by Running, Inc., the parent company of Brown Cab. The contract option will be brought to Council at the next meeting and a signed option will be signed to the DOT. In December, the City will apply and submit the application for State and Federal grants that account for over half of the funding for the program. This grant application will be coming back to the Finance Committee and Common Council in December. Majkrzak asked if Running Inc. indicated whether this increase will help them retain employees to keep service levels up. Hatton said that he did call the owners of Running Inc. and the DOT. The DOT said to sign the option. The City can still go talk to the vendor and see if there is a need to adjust further with an amendment to the option, but the City has to exercise the option first. Hatton also said that he asked Running Inc. to explain why the increase isn't enough to attract qualified people. Hatton indicated that wages and fuel costs have been an issue since the original contract in 2018. There have been CPI adjustments, but those don't necessarily reflect wage rates. Hatton said that this doesn't require any action by the Finance Committee, it is just to give them the information before it goes to Common Council.
3. **Hearing of Citizen Comments** – there were none.
4. **Discussion and Direction on the Following:**

2022-2023 Budget Review – Hatton said that this is the third of three budget review meetings for the Finance Committee. Changes in the proposed budget since the previous meeting include changes to the health insurance numbers. The premium numbers have come in, so the estimates have been replaced with actual premiums. Overall, this change is nominal. The patrol position being restored is a change that was shown in the last meeting. At the request of the committee, Hatton has looked at the sick leave severance. There are 31 employees that are eligible for this benefit. Based on when these employees are eligible to retire, either age 65 or have 30 years of service,

there is a potential of drawing \$140,000 from this fund in 2023. As a result of this, Hatton has increased this budgeted transfer in 2023 so the fund balance will not go negative.

Neighborhood Services – Neighborhood Services Director, Chris Bennett, was not present, so Hatton gave the overview of this budget. He stated that the only item of note was the 4% wage increase for all employees. Resident David Stone asked that there be money available for outsourcing some of the planning questions to Vandewalle in the budget. Hatton stated that there was. Smith wondered about the \$20,000 in part-time wages. Hatton said that the current NSO is also a part-time CSO for the police department, making him benefit eligible. As a result of this, there were some allocation changes within this budget. Smith stated that the Professional Services decreased by \$20,000. She wondered if Hatton is ok with that. Hatton said that it is the same amount that was budgeted for 2022. A housing study and the conceptual plan for the Starin Road property was approved by Council outside of the 2022 budget, causing this account to go over budget.

Capital Improvement Program – Hatton stated that there are no changes for this. Borrowing has occurred for all projects and all but one are underway. The exception is the lift station, with this being rebid in the summer. Smith asked about the ARPA money timeline. Hatton stated that the ARPA money has to be committed by the end of 2024 and expended by 2026. The water tower and Vanderlip lift station is where the majority of this money was allocated. The money has been borrowed for all of the projects, except the note portion of one project. Hatton had been asked to provide information of how the projects have gone compared to budget. He did not have that document prepared for this meeting, but will provide it at a future meeting. Majkrzak stated that the purpose of this request was so that if the bids were coming in over budget consistently, they could reprioritize the projects. Hatton indicated that one project that is not in this two-year horizon is the County radio project. This project continues to take shape and expects it to come back in the 2024 budgeting cycle.

Debt Service – Revenue and Expense, Projections – Hatton indicated that the City levies for all of the general fund debt service. TID and utilities pay for their own portions. Whether the referendum passes or not, the debt service levy is not restricted by levy limits, so all of the funds required for debt service will be levied as necessary to maintain required debt repayments.

Fund 450 – Capital Projects Fund – Hatton said that there are no changes for this fund.

Administration – This includes the office expenses for the City Manager, City Clerk, and Human Resources. These offices support the broad organization and not all of their wages are carried here. Room tax is shown here. It has grown dramatically in the last several years, with the addition of a new hotel. 70 percent of the room tax revenue is required to be paid out to the tourism council. The assessor is also in this fund. Smith asked when the assessor contract is up for renewal. Hatton said he would have to find that out.

General Administration -

Legislative Support – This is the stipend for Councilmembers, publication fees, and publishing the municipal code.

Contingencies – Hatton stated that nothing has been budgeted for this, as the target fund balance has been reached. Past budget surpluses have been added to fund balance to help address unbudgeted expenditures (contingencies).

Legal – Hatton said that there is nothing of note in this fund. Smith mentioned that there is nothing allocated for a union attorney and asked if there should be, due to contract negotiations. Hatton said that he will add that.

Municipal Court – There are no changes other than inflationary to this fund. Smith asked if the hours are flexed, because wages have come in high the last two years. Hatton stated that interpreter services are more variable, and that may be the reason for it being higher. Smith asked if that should be increased. Hatton said that he would look into that. Hatton stated that he had not looked at the Propio interpretive service and how that could be used and allocated across departments.

IT – No changes to note. Most, but not all of the IT salary is in this fund. IT supports the whole organization, so some of the salary is allocated across the organization. Due to the vacancy in this position, the estimates are conservative, assuming family health insurance coverage, etc.

Finance – Hatton said that the vacant Accountant position is provisioned for in this fund. Smith asked if the other anticipated vacancy has been accounted for. Hatton said that the position has not been benchmarked yet. He is looking at the division of duties within the department, to try to streamline some duties.

Insurance/Risk Management – This accounts for the general fund portion of insurance premiums. The insured property values increase annually to ensure that the full value of the properties is covered, should something happen.

Emergency Preparedness – This is a provisional account. The salary for the Emergency Services Coordinator is included in this account, should he ever bill us for his time. Inspections and maintenance of the emergency siren system is also included in this account.

Fund 214 – Elections – This account is funded with \$25,000 each year. It maintains a fund balance, so there are not large fluctuations in the budgeted amount from year to year, depending on the number of elections.

Downtown Whitewater Grant – Hatton stated that historically this grant amount was \$30,000. The City is trying to reduce this amount, by finding ways to help this organization to be self-sustaining in the future. Currently, the City provides a \$25,000 grant to Downtown Whitewater.

Transfers – General Fund – Hatton said that for example, in 2022, the City couldn't balance the budget and fully fund each fund to the level needed, so they were prefunded with 2021 budget surplus generated by vacancies. This is similar to what is happening this year. For waste and recycling, if the referendum passes, this will be paid

through the general fund as it always has been. If the referendum doesn't pass, this \$467,000 will be moved to a bill for service on the utility bills. For DPW equipment, Fund 215, \$85,000 per year is put in this fund for equipment replacement. If the referendum doesn't pass, the City cannot afford to fund this. The police vehicle was pulled into 2022 and funded. The transfer for debt service is the same whether or not the referendum passes. For Fire/EMS, the transfer if the referendum passes maintains staffing two ambulances, if it doesn't pass it maintains staffing of one ambulance and paid on call fire personnel.

Fund 820 – Rock River Stormwater Group – Public Works Director Brad Marquardt stated that according to the bylaws of the group, the City is in charge of the money for the group. This carries a balance of a little over \$100,000 which is used for public education programs geared around stormwater.

Fund 900 – Economic Development – Hatton said that this is the operations fund for Economic Development. In the past, transfers from the General Fund, TID 4 and TID 6 funded this activity. For 2023, there is a transfer of \$50,000 from the affordable housing TID (formerly TID 4) as well as transfers from TID 11, 12, and 13, and the General Fund. Hatton stated that this is slightly negative, so he may tweak it to keep it solvent. Smith asked if the County/Regional membership fees included both counties. Hatton said that he would confirm that. David Stone asked if the water tower loan came from this fund. Hatton said that this is only for operations, the programs are in Fund 910. Hatton also stated that this CBDG grant is not on the books yet. After the project is paid for, the State reimburses the City.

TIDs 10-14 – Hatton gave an overview of closed TID 4 and the current TIDs 10-14.

TID 4 – This TID has a \$50,000 transfer out to fund affordable housing development through efforts of the CDA.

TID 10 – There is a little increment in this TID. This TID is helping to support the water tower project and is carries a negative fund balance that will be recouped with future increment.

TID 11 – This has \$27,000 in increment. It is also helping to support the water tower debt service. It also has a transfer out to CDA Fund 900 to staff the development of TIDs.

TID 12 – This TID is for the downtown area. It is supporting the downtown light replacement project. It has some increment and fund balance from borrowing. The project won't be completed until next year.

TID 13 – This TID is also supporting the water tower, with a transfer out for debt service. It has some increment revenue. This will have a significant negative fund balance for 2023. There is a transfer out for CDA operations. There was a \$3,000,000 error in the base value of this TID. Hatton is working with the DOR to correct the base value of this district, decreasing it by the error amount.

TID 14 – This is the TID with the most increment, at \$62,000. This has transfers out to service debt incurred for both the water tower and the Vanderlip pumping station projects.

Proposed Revisions Based on Review Feedback – Hatton stated based on today's discussion, he has several things he will be looking into. He will fix the legislative table in

the general fund and confirm the assessor's contract. He will add provisioning for a union attorney. He will revisit the municipal court to make sure there is enough in part-time wages. He will add Propio to the IT lines across the budgets. He will revisit the Economic Development groups for both Jefferson and Walworth Counties.

Recommendation to Full Council for Approval – Smith moved to recommend approval of the budget to Common Council. Majkrzak seconded the motion. Motion passed by unanimous voice vote. It will be distributed to the Council at the November 1 Council meeting and the public hearing will be at the November 15 Council meeting.

2022 Note Borrowing Request – Hatton explained that from the last three years of CIP budgets, 2021-2023, there were projects that are not eligible for borrowing through general obligation bonds. In 2021, there were projects that were eligible for note borrowing, but the borrowing was being delayed for projects in the 2022-2023 budget cycle. There were no note eligible projects in that budget cycle, so this request is for 2021 projects only. These projects were paid for at the time they were completed and this request is to reimburse the City for those funds. These projects will be amortized over the useful life for each project. Hatton indicated that the last time a borrowing of this type was done, a letter was sent to 10 local banks to directly solicit the funds. He would like to do the same for this borrowing. The amount requested is lower than the budgeted amount, because only the actual cost of the projects will be borrowed. The amount requested is \$304,500. This item will go to Common Council on October 18, 2022. Smith moved to recommend approval of this request to Common Council. Majkrzak seconded the motion. Motion passed on a unanimous voice vote.

5. Future Agenda Items – None.

6. Next Meeting Date – The next meeting was set for November 22, 2022. Hatton stated that he may have a conflict and would contact the committee members, if he was unable to attend on that date.

7. Adjournment – Smith moved to adjourn. Schreiber seconded. Motion passed on unanimous voice vote. Meeting adjourned at 6:45 pm.

Respectfully Submitted,

Andrea Jacobs
Administrative Assistant/Deputy Clerk

ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE FINANCE COMMITTEE OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN

Finance Committee Meeting Minutes of November 22, 2022

Video of this meeting can be found online at <https://www.whitewater-wi.gov/AgendaCenter>

1. Call to Order and Roll Call

Committee Chair Greg Majkrzak called the meeting to order at 4:30 pm.

Present at the meeting were committee members Greg Majkrzak and Lisa Dawsey Smith.

Absent: Lukas Schreiber. Staff and guests present: Finance Director Steve Hatton and Councilmember Jill Gerber.

2. Approval of Minutes from September 27, 2022 and October 6, 2022.

Smith moved, Majkrzak seconded approval of minutes. Motion carried by unanimous voice vote.

3. Hearing of Citizen Comments

None

4. Staff Updates

- a. Financial Update – YTD through October 2022** – Hatton gave a brief overview of the financial statements. He noted a large deficit in the General Fund, but stated that the second half of the State Shared Revenue payment was received yesterday. That payment was roughly \$2.7 million which will be reflected in the November financials. There was nothing else significant to mention.

In an overview of the General Fund, Hatton mentioned that the revenues are about \$333,000 better this year as compared to this time last year. The expenses are about \$400,000 more this year as compared to this time last year. This difference is due in part to more of the full annual transfers to other funds have been completed this year as compared to this time last year.

Hatton stated that interest rates have increased from .1% at the beginning of 2022 to a current rate of 2.37% on demand deposits. This will help revenue.

5. Discussion/Direction on the Following:

- a. Ride Share Program Update and Application for 2023 Service** – Hatton stated that each December application is made to receive Federal and State grant funds for the Ride Share Program for the next year. The City sponsors the program through grant money and fares collected. Historically those have mostly offset the cost of providing the service. The City is responsible for any shortfall. The City contracts with Brown Cab, paying per hour of service, which is about 8000 hours annually. Ridership and revenue have been declining in recent years, especially during Covid. A portion of the State's Cares Act funds were used to help fund the program statewide during the COVID disruption, but those funds have been exhausted. Ridership had been rebounding, post Covid, but due to staffing shortages, the service is only running about half of its contracted hours. Hatton stated that Brown Cab had

a new hire last week, and is optimistic that service hours will increase. Hatton indicated that the purchase of a new vehicle was planned for 2023, but mileage has not increased on the other vehicles as expected, due to the decreased hours of service, so that request has been taken out of the application. If service hours increase to contracted levels, the City is responsible for any shortfall in funding. There is a fund for Ride Share, Fund 235, that does have enough fund balance to cover the City's portion. Hatton asks the Finance Committee to recommend this application to Council for approval of submission at the December 6, 2022 meeting. The application submission is due December 9, 2022. Smith moved to recommend this to Council for approval of the submission. Majkrzak seconded the motion. Motion carried on a unanimous voice vote.

6. Future Agenda Items

None

7. Discussion of Next Meeting Date

Next meeting date was set for December 27, 2022

8. Adjournment

Smith moved, Majkrzak seconded adjournment. Motion carried on unanimous voice vote.
Meeting adjourned at 4:51 pm.

Finance Committee meeting adjourned at 5:35 pm.

Respectfully submitted,

Andrea Jacobs
Administrative Assistant/Deputy Clerk

Irvin L. Young Memorial Library
431 W Center St
Whitewater WI 53190
Board of Trustees Regular Meeting
Online Virtual Meeting
Monday, December 19, 2022, 6:30 pm

MINUTES

Mission Statement:

We will have the space and the stuff to do the things that you want.

Our Values: Safe & welcoming; Trust; Diversity; Fun; Lifelong learning and creativity; Making connections; Service excellence

This is a hybrid in-person and virtual meeting.

1. Call to Order at 6:32 p.m.

Present: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Absent: none

Staff: Stacey Lunsford

Guests: John Marshall, Tincher Realty

2. Consent Agenda

- a. Approval of Minutes Approval of the minutes of the regular meeting on November 21, 2022*
- b. Acknowledgment of Receipt of Financial Reports*
- c. Acknowledgment of Payment of Invoices for November 2022*
- d. Acknowledgment of Receipt of Statistical Reports for November 2022*
- e. Acknowledgment of Receipt of Treasurer's Reports*

MSC Diebolt-Brown/Anderson to approve the Consent Agenda.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

3. Correspondence

- 3.I. We received a letter of appreciation ~ see attached

- The library's contribution to the publication of the book *Mythmaker*, specifically Susan Willmann's assistance in the project, and the author's appreciation was noted.

4. Hearing of Citizen Comments

- a. No formal Library Board 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 Library Board discusses that particular item.

5. Old Business

5.I. Library Building Project

1. Library board members participation in fundraising campaign
 - Jodi Sweeney spoke with the Planning Committee and the 100 Extraordinary Women Campaign.
 - Bri shared that people can make a \$1,000 contribution in the name of an extraordinary woman, and the money raised will sponsor the outdoor area of the expansion project.
 - There will be a party in April for all the women who donated. People who donate will receive signs to display in their yards. Stacey reported that the yard signs were ordered and have already come in.
 - The next meeting for both groups is set for January 10th.

2. Update on sale of properties

5.I.i. 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" Negotiation of sale of properties at 413 West Center Street, 414A/B Forest Avenue, 424 Forest Avenue, Whitewater.

MSC Anderson/Diebolt-Brown to move discussion of the properties for sale to closed session.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

MSC Diebolt-Brown/Anderson to move out of closed session.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

5.II. Approval of Sales of Library Property

- Following the executive session, the Library Board will vote on whether to accept any of the submitted proposals or none.

MSC Diebolt-Brown/Retzke to accept the highest offer as given for the Library Property 414/414A Forest Ave. for the price of \$199,000.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

MSC Anderson/Orlowski to counter offer to the highest bidder for each property and, if accepted, the Board approves the sale on the Library Properties 413 W. Center St. and 424 Forest Ave.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

6. New Business

6.I. Review of the 2022 Strategic Plan Activities

- We will review the completed activities for 2022. One of the goals for 2023, which will come under our first strategic plan goal -- Building Toward the Future: We will undertake a process of assessment to make sure our spaces, collections, and services align with the present and future needs of the community -- will be the following. This was included in our major goals in the 2023 budget document.
 - Stacey updated the Board on activities that have been completed and the ones that will be carried over to 2023.
 - Stacey emphasized that the Friends of the Library group needs to be reorganized and revitalized in the upcoming year.
 - Alyssa shared that the library card registration at the Middle School was a big success. There will also be a table at 4K registration. The Board suggested having a table at Fairhaven and at the Andersen Library on campus.

- Bri suggested doing more outreach to the neighboring area in Spanish and English. Stacey said they could put bags with information in English and Spanish on door handles in the surrounding area to invite them to the library and share what services we provide.
- Stacey will incorporate these ideas into the 2023 strategic plan and bring it back to the Board at the January meeting.
- Complete a 360 review of the changing needs of the library (print vs digital expenditures, staffing, workflow) and update the library's budget. Discussion of other 2023 activities will be on the January agenda.
 - Stacey shared that there aren't any line items in the budget for digital materials. She needs the line item to be added by the city's finance department so people can see the impact.
 - Stacey updated the Board about RFID tagging, which may be required by the State in the near future. There will be increased costs associated with this new system, including additional tags and software, that aren't covered by the current budget that's been allocated to the library for the past five years.

6.II. Approval of Bloomerang Donor Software Proposal

- We will need a donor software database to track donations and pledges over the next five years. Two products were reviewed: Bloomerang, used by the Watertown Public Library for their project and Network for Good, used by the Whitewater Community Foundation. The two products were similar in features; Bloomerang was the less expensive choice. Request approval of the Bloomerang proposal.

MSC Diebolt-Brown/Weigel to approve the Bloomberg Donor Software Proposal.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

6.III. Public Concerns About Library Resources

- Last month, a request was made to look at the City's Public Comment Ordinance. I have attached it along with the library's policy for review and discussion.
- It was agreed that a link to the City's Public Comment Ordinance (p. 46 of the packet) should be added to number 6, at the end of the sentence "The Library Board shall decide procedure for conducting a hearing on the material in question."
- Discussion took place about not allowing passages of books to be read at meetings but wasn't clear where that was added.

6.IV. Review and Approval of The Draft Revision of The Collection Development Policy

- I have added language used by the American Library Association addressing misinformation and disinformation, as requested at the last board meeting.

MSC Orlowski/Berndt to approve the Collection Development Policy.

Ayes: Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

6.V. Discussion and Possible Action on Certificates of Deposit Due to Mature in March 2023

- A decision needs to be made about cashing them out or reinvesting them.
- Kathy reported that \$300,000 is tied up in CDs which will expire in March.
- Doug asked if we had a Money Market account with them, Kathy said we currently have \$500 with them in a Money Market account.
- Discussion took place about the benefits of moving the money from the CDs to the Money Market account.

MSC Retzke/Diebolt-Brown to move the money from CDs to the Money Market account.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

6.VI. Approval of the 2023 Jefferson County Library Contract

- This is the annual contract which secures our county funding for the next fiscal year.

MSC Anderson/Retzke to approve the 2023 Jefferson County Library Contract.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

6. VII. Review and Approval of The Closed Holidays and Special Closings Schedule For 2023

- This is the annual review of the days that the library is closed or closes early and which of those are paid holidays for staff. Request approval.

MSC Weigel/Diebolt-Brown to approve the Closed Holidays and Special Closings Schedule for 2023.

Ayes: Doug Anderson, Sallie Berndt, Brienne Diebolt-Brown, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

7. Staff & Board Reports

7.I. Director's Report ~ see attached

- The library is advertised as a warming and cooling station to the community.

7.II. Adult Services Report ~attached

7.III. Programming & Makerspace Librarian Report ~ see attached

- Sarah has had great participation at her recent programs, and the spice of the month club has also been popular among patrons.

7.IV. Bridges Library System Staff Report ~ see attached

7.V. Board Reports

Trustee Training Week reports

1. From Stories to Action: How to Talk about Your Budget to Activate Support and Secure Funding

- Will be presented next month (Jennifer)

2. Effective & Efficient Meetings: Parliamentary Procedure

- Alyssa shared that the training was very helpful for new Board members and people who aren't familiar with parliamentary procedure. Scripts were provided at the training that she found to be helpful. The webinar also touched on the differences between small and large Boards, which Alyssa found to be interesting.

8. Board Request for Future Agenda Items

- If the board has any questions they want to put to the community through the City's Polco online survey system, they will be collected at this time. Polco is a civic engagement, survey, and polling platform.
- Review of bylaws to consider changing meeting time (requested by Jaime)
- Director Performance Evaluation Review in closed session (requested by Jennifer)
- Land Acknowledgement Statement (requested by Jaime)

Confirmation of the next meeting on January 18, 2022 at 6:30 p.m. (changed due to Martin Luther King, Jr. Day closure). Adjourned at 8:24 p.m.

Comments in the Chat Box:

- none

Minutes respectfully submitted by Jaime Weigel on December 28, 2022

DIRECTOR'S REPORT
December 19, 2022

I. ADMINISTRATION

- a. Eight work orders were submitted in November.
 - i. Problem with patron laptop
 - ii. Lightbulbs needed replacing
 - iii. Radiator casing in community room was bent askew
 - iv. Problem with VPN connection for staff computer
 - v. Universal Power Source in basement for network is dead and needs replacing ~ Not Done
 - vi. Heat in the library was too high (~90°)
 - vii. The stored furniture at 424 Forest Ave house had not been removed yet and the house was ready to be listed
 - viii. Problem with staff computer

II. BUDGET

- a. None.

III. PERSONNEL

- a. None.

IV. LIBRARY COLLECTION

- a. The children's picture books, DVDs and Blu-rays, music CDs, and books on CD have all been weeded.

V. PUBLIC AND COMMUNITY RELATIONS

- a. None.

VI. LIBRARY BOARD RELATIONS

- a. None.

VII. LIAISING WITH CITY, STATE, COUNTY, AND SYSTEM GROUPS

- a. I will have attended the December 16 Alliance of Public Libraries meeting and will report anything of note.
- b. I attended the Jefferson County Library Council meeting on Wednesday, December 7 in Lake Mills. They discussed adding Hoopla circulation numbers to the reimbursement ask for digital materials. This would require a consultation with the county administrator about changing the language of the funding formula from only identifying OverDrive circulation numbers and replacing it with the phrase "verifiable digital circulations."

VIII. PROFESSIONAL DEVELOPMENT

- a. I attended the SEWI Directors Retreat in Watertown on Friday, December 9. We had a training on facilitation techniques.

IX. STRATEGIC PLAN

- a. This is on the agenda.

X. CAPITAL CAMPAIGN

- a. We have begun the planning for 100 Extraordinary Women. Yard signs have been ordered and arrived.

Adult Services Report December 2022

Report:

We had one person check out a park pass in November for the pilot program, "Check Out Wisconsin's State Parks". The small display case in the lobby is featuring this program for the month of December.

Fifty children participated in the Dinosaurs on the Loose scavenger hunt for November.

One teacher requested a teacher pack for the month of November.

Collection Development:

I continue to do monthly weeding in the various adult collections.

I created four book displays for adults and four book displays for children and young adults for the month of December.

Virtual Meetings/Webinars/Training Sessions Attended:

November 16: Staff meeting with Stacey and Sarah

November 17: Bloodborne Pathogens (V2) training

November 23: Bridges Circulation Meeting

November 24: Infosec training: Holiday Security

November 30: Staff meeting with Stacey and Sarah

December 07: Staff meeting with Stacey and Sarah

Programming & Makerspace Librarian Report

December 2022

Programs:

- 11/16: Storytime (20)
- 11/18: How to Use the Libby App (0)
- 11/21: Spice of the Month Club (84)
- 11/22: Dungeons & Dragons (14)
- 11/23: Storytime (23)
- 11/29: Common Scams & Frauds Presentation (6)
- 11/30: Storytime (21)
- 12/1: Gingerbread House Craft take/make (50)
- 12/5: Hour of Code (7)
- 12/6: Handmade for the Holidays: Bags & Tags (8)
- 12/7: Storytime (22)
- 12/12: Dungeons and Dragons (11)
- 12/13: Handmade for the Holidays: Bath Bombs (15)
- 12/14: Storytime (17)
- 12/15: Spice of the Month club (60)

Upcoming Programs:

- 12/20: Handmade for the Holidays: Coasters
- 12/28: LEGO Party
- 1/9: Spice of the Month club
- 1/10: Journaling workshop with local writer Katy Daixon Wimer
- 1/11: New Year, New Career! With the Walworth Co. Job Center
- 1/12: Little Makers process art program for ages 2-5
- 1/18-3/8: Storytime
- 1/19: Maker Club: Perler beads
- 1/23: Mindful Monday Book Club
- 1/24: Local Landmarks at Risk w/Landmarks commission
- 1/27: For Teens: Totes & Notes
- 1/31: Dungeons & Dragons

Makerspace Use:

- 11/21: 3D printer
- 11/21: Fox craft
- 11/21 Fox craft
- 11/23: Craft supplies
- 11/26: Stamps
- 11/28: Needle felting
- 11/29: Needle felting
- 11/29: Stamps
- 11/29: Needle felting
- 12/1: 3D printer
- 12/3: Cricut
- 12/5: Craft supplies
- 12/6: Scanner
- 12/6: Scanner
- 12/6: Beading supplies
- 12/6: Craft supplies
- 12/7: Scanner
- 12/13: Button maker

Makerspace Training Appointments: 1.5 hours

Equipment & Technology:

- The Cricut Expression 2 machine's cord is broken. It's not worth replacing because the machine is obsolete and we have a newer Cricut.

Donations:

- Various craft supplies from Kristyn (staff)

Other Updates:

- 55 people participated in the Gratitude Tree display on the children's bulletin board.
- Installed a Story Stroll in downtown Whitewater as part of the Shop Small Holiday Market. The book selection was a bilingual title in both Spanish and English, "Gracias = Thanks" by Pat Mora.
- 8 participants for the December YAAASSS bags.
- Applied for the Penguin Random House Grant for Small & Rural Libraries (\$1,000)
- Installed a snow-themed display on the children's bulletin board.
- Interview with Royal Purple news about the Handmade for the Holidays programs.
- Set up a holiday gift tag making station in the Makerspace.

Meetings:

- 11/16: Staff meeting
- 11/18: Met with student leaders of the H.S. Key Club

- 11/22: ALSC Programs & Services Recognition Committee
- 11/28: WLA Intellectual Freedom SIG
- 11/30: Staff meeting
- 12/6: ALSC Programs & Services Recognition Committee
- 12/7: Staff meeting
- 12/12: Tiffany Helgersen, Monona Public Library
- 12/14: Staff meeting

Professional Development:

- Infosec Holiday Security
- CSLP Virtual Summer Symposium



Parks and Recreation Board Minutes
Wednesday, November 16, 2022– 5:30 pm
Hybrid Meeting

1. June Park Board Memo:

- a. **Documents: November 16, 2022 Park Board Packet.pdf**

2. Call to Order and Roll Call

Kathleen Fleming, Dan Fuller, Jen Kaina, Mike Kilar, Carol McCormick, Megan Matthews (arrived at 5:40), Steve Ryan, Deb Weberpal (left at 6:29), Korie Oberlie. Absent: Ben Prather
Staff: Eric Boettcher, Michelle Dujardin, Jennifer French
Guests: Peggy VanScotter, Richard Helnide, Ben Adamitus, James Olm, Pete Killorn, Larry Kachel, Pat Blackmore, Jamie Wiegler, Sherry Stanick

3. Approval of Minutes

Motioned by Korie Oberlie. Second by Steve Ryan. Ayes: Kathleen Fleming, Dan Fuller, Jen Kaina, Mike Kilar, Carol McCormick, Steve Ryan, Deb Weberpal, Korie Oberlie

4. Consent Agenda

5. Hearing of Citizens comments

6. Staff reports

6.a. Directors Report- Staffing and Lakes Update- Eric Boettcher

Athletic Program Coordinator position has been posted. Hoping to have a new coordinator by the first of the year.

Whitewater Parks and Recreation meet with the Highschool athletic director and a few others to find the best way for sports to grow. They plan on making a year calendar for everyone to see, that way sports do not overlap and children and parents don't have to choose one or the other.

There was a lakes meeting October 15th, this had a great attendance.

November 1st the city stocked more fish into the lakes. 100 4-6 in Bluegill, 600 Crappie, 500 Yellow perch, and 10lbs Golden Shiner.

Hoping to have the hunting program back Fall of 2023

6.b Program Staff Reports- Michelle Dujardin

Letters to Santa is back this year. Last year there were over 60 letters written out. One class from Washington brought their kids over as a field trip. Deck the House will be going on again this year. More information on where to submit pictures will be up on the website and Facebook page Monday, November 21.

Parks and Recreation department will be in the Holiday Parade this year promoting the dog parks and cleaning up after the dogs.

Polar plunge will be March 18 2023, hopefully it will be warmer than previous years.

Adult Programmer- Jennifer French

Memberships are coming due. We will be collaborating with the Whitewater Aquatic and Fitness Center. If someone gets a membership at the Senior Center they will get that much off of their WAFC membership.

6.d WAFC Updates- Eric Boettcher

WAFC brought back their cycling class, which is being well received.

Will be doing a Turkey Burn the Wednesday before Thanksgiving and the morning of Thanksgiving.

Still looking for Lifeguards, trying to make the advertisement fun and inviting.

There is a good chance that the WAFC will end the year with positive budget.

Discussion:

Larry Kachel- Wondered what the Deficit was for the WAFC

Boettcher- around \$400,000.

Larry Kachel- Wants to see Staff there more often and not working remotely. Food during parties was a great way to bring in money.

Considerations

7.a Urban Forestry Arboretum Presentation

Sherry Stanick presented on the great things that have been happening for the Arboretum.

They sold 140 native shrubs and trees at their Arbor Day sale. The streets crew planted almost 200 trees and shrubs around Starin Park. Urban Forestry had a handful of volunteers that were taking care of the plants throughout the summer. Urban Forestry hosted their first educational workshops, ranging on different topics about Arboretums. Urban Forestry had 45 middle school and high school students came to learn about trees and plants, then were able to plant some trees of their own. The welcome center is in place, all that is left is to put the shingles on.

7B Effigy Mounds

Boettcher stated they are working to get the rest of the front part mowed. There is \$25,000 in the city reserve that will be going toward the restoration. Boettcher will also be putting in a grant with the Vibrant Spaces Grant due January 21st.

Discussion:

Peggy Van Scotter (guest)- Wanted to know how much it cost to mow, when would be the next time to mow, and if the City was open to working with other groups in the city to raise money.

Boettcher- Mowing cost between \$2,000 and \$4,000 and won't mow until the spring of 2023.

The city is open to other groups working to raise money.

Megan Matthews- mentioned working with Dr. Juk at UW-Whitewater to help with the grant and possibly presentations.

Korie Oberlie- Will the \$25,000 cover the rest of the mowing of the grass.

Boettcher: Hopefully, we will know more Thursday, November 17.

Korie Oberlie- Concerned about the requirements of the grant and what we are hoping to use it for. May need to use the money to make the Effigy Mounds more attractive. Brought up a visible walking path, benches for presentations, possible viewing deck at certain locations, and a 3D map of the park.

Peter Killorn (guest)- Professor at UW-Whitewater that would be happy to help and get his students involved.

Sherry Stanick (guest)- Have any Native American groups been approached to help.

Korie Oberlie- Native American groups have been contacted, the community needs to show more interest before they help.

Pat Blackmore (guest)- Noted that other grants were denied in the past because the grant board did not think the city/ community were interested in keeping it preserved.

Jamie Wiegler (guest)- Any effort needs to be educational. There is nothing to be concerned about if you know nothing about it.

Korie Oberlie- Suggested a group of individuals help coordinate the grant and everything else so it wasn't just on Eric.

Motion by Steve Ryan to approve the City of Whitewater apply for the \$25,000 grant to help restore the Effigy Mound. Second by Jen Kaina. Ayes: Flemming, Fuller, Kaina, Kilar, McCormick, Matthews, Ryan, Oberlie. Absent: Weberpal and Prather

8 Future Agenda Items

Megan Matthews- Collaboration of Programs

Korie Oberlie- Effigy mounds update

9. Adjournment

Motion by Jen Kaina to adjourn at 6:36pm. Second by McCormick. Ayes: Flemming, Fuller, Kaina, Kilar, McCormick, Matthews, Ryan, Oberlie Absent: Ben Prather, Deb Weberpal. Noes: None. Abstain: None

Next scheduled meeting: Wednesday, December 21, 2022

Respectfully submitted,

Jennifer French

Jennifer French



Police and Fire Commission Meeting Minutes
November 16, 2022

ABSTRACT/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE POLICE COMMISSION OF THE CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN

Video and audio of this meeting can be viewed on the City of Whitewater web site at
<http://www.whitewater-wi.gov/AgendaCenter>

- I. Call to Order, Roll Call – Commission Chair Glenn Hayes called the meeting to order at 6:30 pm.
Members present: Dr. Glenn Hayes, Jerry Grant, Beverly Stone, Mwita Binagi, Marissa Aranda
Members absent: None
Also present: Chief Daniel Meyer, Assistant Fire Chief Ryan Dion, Captain Adam Vander Steeg and Support Services Manager Sabrina Ojibway
- II. Approval of Minutes from October 12, 2022 - On a motion by Grant with a second by Binagi the minutes were approved by unanimous voice vote.

AYES: Hayes, Grant, Stone, Binagi, Aranda
NOES: None
ABSENT: None
- III. Citizen Comments - Hayes read the following disclaimer: *"No formal Police Commission action will be taken during this meeting although issues raised may become part of a future agenda. Participants are allotted a three to five minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens may speak to those issues at the time the Police Commission discusses that particular item."*

- There were no citizen comments
- IV. New Business

A. Chief's Report

1. Assistant Fire Chief Dion provided the Police & Fire Commission with a draft document outlining proposed Whitewater Fire and EMS hiring processes that will be sent to the City Attorney for review. Draft document proposes that Fire/EMS Explorers are internally coordinated with the Boy Scouts of America. The PFC will have no oversight but may be made aware of the status of the program and the number of members. After an internal hiring process, at the quarterly meeting a list of names for new hire Firefighters, EMTs or Firefighter/EMTs will be brought before the PFC for certification and report in lieu of interviews. For future internal promotions, there is currently an active eligibility list that was approved at the July 25, 2022 meeting. Fire Department Command Staff will ensure all candidates meet internal and state requirements for officer per SPS330. Qualified applicants will be subjected to an oral interview board comprised of Human Resources and Command Staff and will undergo a tactical assessment with Command Staff. Eligibility lists will be in service for two years with interviews to be conducted by the Police and Fire Commission at a regular session meeting. Upon certification, candidates will be placed on a promotional list from which the Fire Chief will appoint to fill vacancies. The disciplinary process is still being reviewed by the City Attorney. For a Command Staff vacancy, the Fire Chief or Acting Chief will advise the City Manager, Human Resources and the Police and Fire Commission. Direction on filling the vacancy will be provided by the City Manager. The Police and Fire Commission will be advised if changes are made to the draft document by the City Attorney or notified of its approval.

- B. Adjournment to Closed Session, to Reconvene per Wisconsin State Statute §19.85(1)(c) *“Considering employment, promotion, compensation or performance evaluation data of any public employee over which governmental body has jurisdiction or exercises responsibility.”*
1. Item to be discussed: Interview of Patrol Lieutenant Candidate
- On a motion from Grant with a second from Aranda the Commissioners adjourned to closed session at 6:36 pm.
- AYES: Hayes, Grant, Stone, Binagi, Aranda
NOES: None
ABSENT: None
- C. Reconvene into Open Session
- On a motion from Grant with a second from Stone the Commissioners reconvened to open session at 7:01 pm.
- AYES: Hayes, Grant, Stone, Binagi, Aranda
NOES: None
ABSENT: None
- D. Announcement of Recommendation to Chief of Police Concerning Patrol Lieutenant Promotional Process
- On a motion from Grant with a second from Aranda the Commissioners moved to promote Detective Jacob Hintz to the rank of Patrol Lieutenant for the City of Whitewater Police Department.
- AYES: Hayes, Grant, Stone, Binagi, Aranda
NOES: None
ABSENT: None
- V. Future Commission Meeting Dates – Chief Meyer requested the Police & Fire Commission retain Wednesday, January 11th, 2023 for possible Detective interview. PFC Chair Hayes requested 6:30pm Wednesday, February 8th, 2023 be scheduled for the next quarterly regular session meeting.
- VI. Future Agenda Items
- None
- VII. Adjournment - On a motion by Grant with a second by Stone the Commissioners unanimously voted to adjourn the meeting.
- AYES: Hayes, Grant, Stone, Binagi, Aranda
NOES: None
ABSENT: None
- The Commissioners adjourned at 7:05 pm.
- Respectfully submitted,
- Sabrina Ojibway
Support Services Manager



Finance Committee Agenda Item

Meeting Date:	February 7, 2023
Agenda Item:	PSC Water Rate Order Implementation Date
Staff Contact (name, email, phone):	Steve Hatton, shatton@whitewater-wi.gov , 262-473-1380

BACKGROUND

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

The Public Service Commission (PSC) held a Public Hearing on January 26, 2023. A final decision on the water rate case is anticipated by February 15, 2023.

The water rate case was filed on July 31, 2022 based on a need identified during financial planning that included the replacement of two water reservoirs > 100 years in age. The planned replacement of these reservoirs was pulled forward into the 2022-2023 biennial budget due to the historically low interest rates, the availability of ARPA grant funding, and support of the newly established TIDs. The PSC decision is likely to require the utility to implement the new rates within 90 days.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

October 3, 2017: Ehlers selected as Municipal Advisor

July 11, 2018: Initial Financial Management Plan completed

August 27, 2020: Effective date of last change in water rates

October 7, 2021: Finance Committee review of 2022-2023 Capital Improvement Plan and corresponding Financial model illustrating impact on property tax levy and utility rates

October 14, 2021: Finance Committee review of 2022-2023 Water Utility operating budget

November 16, 2021: Common Council adoption of 2022-2023 Budget and Capital Improvement Plan

April 19, 2022: 2021 Financial Audit Report presented to Common Council

May 24, 2022: Finance Committee recommended filing PSC Conventional Water Rate Case application

June 7, 2022: Common Council approved filing PSC Conventional Water Rate Case application

July 25, 2022: Utility Rate comparison posted to city website:

<https://www.whitewater-wi.gov/554/Water-and-Sewer-Utility-Rates>

July 31, 2022: PSC Conventional Water Rate Case application filed

November 21, 2022: PSC determined Revenue Requirement

December 21, 2022: PSC determined Cost of Service Study and Proposed Rate Design

December 28, 2022: Public Hearing Scheduled, Notice posted to City website

December 30, 2022: Water utility customers notified of Public Hearing by utility billing

January 26, 2023: PSC Public Hearing on authority to adjust water rates

February __, 2023: PSC Rate Order issued

April 28, 2023: Target Implementation date – rates effective with new billing cycle.

FINANCIAL IMPACT

(If none, state N/A)

Approved rate increase will provide an additional \$687,376 in annual revenue to the Water Utility. This revenue is required to enable repayment of project borrowing while maintaining compliance with bond covenants. These rates are expected to produce a rate of return on the utility's net investment of 6.6%. This rate of return is used by the PSC as a requirement to maintain confidence in the Utility's financial integrity without resulting in rates to customer that are excessive. The PSC updates its required rate of return periodically based on a three-month rolling average of municipal bond rates.

This rate increase will result in a \$7.27 increase to the monthly bill for the average residential water customer using 3,000 gallons per month, including public fire protection charges.

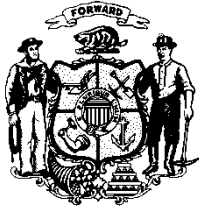
STAFF RECOMMENDATION

Staff recommends Council approval to implement the new rates effective April 30, 2023. This is the latest billing period end-date that falls within the 90-day implementation period required by the PSC.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Revenue Requirement Notification dated 11/21/2022
2. Cost of Service and Proposed Rate Structure notification dated 12/20/2022
3. 2022-2023 Water Tower Capital Improvement project detail



Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
Ellen Nowak, Commissioner
Tyler Huebner, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

Public Service Commission of Wisconsin
RECEIVED: 11/21/2022 3:45:01 PM

November 21, 2022

Mr. Steve Hatton, Finance Director
Whitewater Municipal Water Utility
312 W Whitewater Street
Whitewater, WI 53190

Re: Application of the City of Whitewater, Walworth and
Jefferson Counties, Wisconsin, as a Water Public Utility, for
Authority to Adjust Water Rates

6520-WR-106

Dear Mr. Hatton:

Public Service Commission (Commission) staff has analyzed the Whitewater Municipal Water Utility's (Utility) application for a water rate increase. The Commission received the application on July 31, 2022. The attached proposal contains Commission staff's proposed 2022 test year revenue requirement exhibit (Exhibit) and will serve as the basis for the cost of service study. Andrew Fisher, Rate Analyst, will soon develop the cost of service study and a proposed rate design. The Rate Analyst will file a copy of that exhibit in the Commission's [Electronic Records Filing System](#) (ERF) separately upon completion. Commission staff will submit both proposals at the public hearing, which will be scheduled at a later date.

In its application, the Utility stated that it filed for the rate increase to recover costs incurred from capital projects undertaken by the Utility. In 2022, the Utility obtained Commission approval to replace both of its 100-year-old reservoirs with a new water tower. This replacement project has been on the Utility's future capital planning forecast, but the Utility accelerated the timeline due to the increase in maintenance costs for the two aging reservoirs, and also due to the availability of American Rescue Plan Act (ARPA) funds, which the Utility hopes will lessen the impact on rate payers. The Utility also plans to undertake two infrastructure projects in 2022 that will require replacement of mains and laterals.

The Utility requested a return on net investment rate base of 5.60 percent. The Commission calculates the benchmark rate of return weekly based on a three-month rolling average of municipal bond rates and determines a floor annually. The benchmark rate of return at the time Commission staff finalized the revenue requirement for this case was 6.60 percent. Commission staff estimated the Utility's capital employed in providing public utility service associated with the net investment rate base to be 48.91 percent municipal equity and 51.09 percent long-term debt. The Utility's composite cost of debt is 1.00 percent. A return on rate base of 6.60 percent will provide a 12.45 percent return on municipal earning equity and 12.89 times interest coverage. Commission staff considers that this return on rate base will provide the Utility with sufficient earnings to help address future capital and unforeseen operating needs and will also

maintain confidence in the Utility's financial integrity without resulting in customer rates that are excessive.

Schedule 4 of the Exhibit describes Commission staff's proposed adjustments to the revenue requirement that was requested in the Utility's rate application. During the review of the rate application, Commission staff discovered several issues that resulted in additional analysis and action:

- The Utility received \$194,768 in ARPA funds in 2021 that it used for the water tower construction project in 2022. The Utility incorrectly recorded the funds in Account 474 (Other Water Revenues) in the 2021 PSC Annual Report. These funds should be recorded in Account 421 (Miscellaneous Nonoperating Income). The Utility should make an adjustment to record the funds in Account 421 on the 2021 PSC Annual Report and re-file the report prior to the public hearing in this case.

Schedule 5 of the Exhibit is the list of depreciation rates that is the basis of Commission staff's estimated depreciation expense for the test year. Some depreciation rates may be different than those previously authorized for the Utility. Commission staff recommends that the Commission certify these depreciation rates for use by the Utility effective January 1, 2022. Please note that the general service and public fire protection rates are typically effective within 90 days of the Final Decision.

The Commission staff Exhibit is intended to provide the Commission with Commission staff's analysis and is not a final decision. After reviewing, please confirm the Utility is in agreement with staff's proposed revenue requirement as set forth in the Exhibit within 10 business days of the date of this letter. The Utility should file its confirmation on ERF and identify the document type in ERF as "Exhibit Offered." If the Utility is not in agreement with any individual component(s) of the revenue requirement, please provide detail this in the Utility's reply. Please note that this is the Utility's primary opportunity to address any concerns or changes to Commission staff's proposed revenue requirement. The Utility may present its own case and may submit any additional information it believes to be pertinent to substantiate its position within 10 business days of the date of this letter. If Commission staff does not receive a response within that time, it will assume the Utility is in agreement with the staff proposal, and the Commission staff Rate Analyst will use the revenue requirement to develop a rate proposal. In order to receive notification of official correspondence (i.e. data requests, notices, final decisions, etc.), individuals must subscribe to the Utility ID or PSC Docket. To subscribe, go to the Commission's [ERF](#) system. For help subscribing, go to [Subscribing to Dockets](#).

If you have any questions regarding the above, please contact me. If you have any questions regarding the status of your rate case, please contact Andrew Fisher at (608) 266-3905 or by e-mail at Andrew.Fisher@wisconsin.gov.

Sincerely,



Troy Gazza
Public Utility Auditor
Public Service Commission of Wisconsin
Division of Water Utility Regulation and Analysis
608.266.7173 | Troy.Gazza@wisconsin.gov

TKG:kr1 DL:01916682

cc: Karen Dieter, Whitewater Municipal Water Utility
Brian Roemer, Ehlers
Lisa Trebatoski, Ehlers

Ex.-PSC-Revenue Requirement

Whitewater Municipal Water Utility

Estimated 2022 Operating Income Statement

Net Investment Rate Base

and 2022 Estimated Revenue Requirement

Whitewater Municipal Water Utility
6520-WR-106
Estimated Operating Revenues
for the 2022 Test Year

	Utility Estimates Test Year 2022	PSC Staff Proposed Adjustments	PSC Staff Estimates Test Year 2022
Unmetered Sales to General Customers	\$ 0	\$ 0	\$ 0
Metered Sales to General Customers:			
Residential	682,207	0	682,207
Multi-family Residential	160,123	0	160,123
Commercial	110,146	0	110,146
Industrial	594,391	0	594,391
Public Authority	205,103	0	205,103
Irrigation	0	0	0
Total Metered Sales	\$ 1,751,970	\$ 0	\$ 1,751,970
Private Fire Protection	52,632	0	52,632
Public Fire Protection	533,619	0	533,619
Other Water Sales	11,000	0	11,000
Sales for Resale	0	0	0
Interdepartmental	0	0	0
Total Water Sales	\$ 2,349,221	\$ 0	\$ 2,349,221
Forfeited Discounts	7,000	0	7,000
Rents of Water Property	26,500	0	26,500
Interdepartmental Rents	0	0	0
Other Water Revenues	20,000	0	20,000
Total Operating Revenues	\$ 2,402,721	\$ 0	\$ 2,402,721

Whitewater Municipal Water Utility
6520-WR-106
Comparative Income Statement, Net Investment Rate Base, and PSC Adjustments

	2019	2020	2021	Utility Estimates Test Year 2022	PSC Staff Proposed Adjustments	PSC Staff Estimates Test Year 2022
Net Operating Income Statement:						
Total Operating Revenues:	\$ <u>1,909,640</u>	\$ <u>2,045,228</u>	\$ <u>2,533,293</u>	\$ <u>2,402,721</u>	\$ <u>(0)</u>	\$ <u>2,402,721</u>
Operating Expenses:						
Source of Supply Expenses	19,143	19,412	15,101	22,750	0	22,750
Pumping Expenses	231,391	223,332	379,965	288,000	(0)	288,000
Water Treatment Expenses	59,405	131,986	173,011	119,650	0	119,650
Trans. and Distr. Expenses	150,343	191,567	173,722	206,075	0	206,075
Customer Accounts Expenses	49,453	53,774	64,359	58,250	0	58,250
Administrative and General Expenses	<u>550,493</u>	<u>547,711</u>	<u>578,644</u>	<u>645,350</u>	<u>702</u>	<u>646,052</u>
Total Operation & Maintenance Expenses	\$ 1,060,228	\$ 1,167,782	\$ 1,384,802	\$ 1,340,075	\$ 702	\$ 1,340,777
Depreciation	190,908	239,725	279,087	394,911	0	394,911
Taxes	369,742	378,618	385,616	441,552	0	441,552
Total Operating Expenses	\$ <u>1,620,878</u>	\$ <u>1,786,125</u>	\$ <u>2,049,505</u>	\$ <u>2,176,538</u>	\$ <u>702</u>	\$ <u>2,177,240</u>
Net Operating Income (Loss)	\$ <u><u>288,762</u></u>	\$ <u><u>259,103</u></u>	\$ <u><u>483,788</u></u>	\$ <u><u>226,183</u></u>	\$ <u><u>(702)</u></u>	\$ <u><u>225,481</u></u>
Net Investment Rate Base:				Utility Estimates Test Year 2022	PSC Staff Proposed Adjustments	PSC Staff Estimates Test Year 2022
Utility Plant in Service				\$ 18,626,766	\$ 0	\$ 18,626,766
Less:						
Accumulated Provision for Depreciation				<u>4,741,610</u>	<u>0</u>	<u>4,741,610</u>
Net Plant in Service				\$ 13,885,156	\$ 0	\$ 13,885,156
Add: Materials and Supplies				22,500	0	22,500
Less: Regulatory Liability - pre-2003 Depreciation on Contributed Plant				<u>76,490</u>	<u>0</u>	<u>76,490</u>
Net Investment Rate Base				\$ <u><u>13,831,166</u></u>	\$ <u><u>0</u></u>	\$ <u><u>13,831,166</u></u>
Rate of Return				1.64%		N/A

Whitewater Municipal Water Utility
6520-WR-106
Estimated Income Statement and Revenue Requirement
for the 2022 Test Year
to Yield a 6.60% Return on the Net Investment Rate Base

	Present Rates	Increase	After Rate Increase
Total Operating Revenues:	\$ 2,402,721	\$ 687,376	\$ 3,090,097
Operating Expenses:			
Source of Supply Expenses	22,750		22,750
Pumping Expenses	288,000		288,000
Water Treatment Expenses	119,650		119,650
Trans. and Distr. Expenses	206,075		206,075
Customer Accounts Expenses	58,250		58,250
Administrative and General Expenses	646,052		646,052
Total Operation & Maintenance Expenses	\$ 1,340,777		\$ 1,340,777
Depreciation	394,911		394,911
Taxes	441,552		441,552
Total Operating Expenses	\$ 2,177,240		\$ 2,177,240
Net Operating Income (Loss)	\$ 225,481		\$ 912,857
Rate of Return	N/A		6.60%
Net Investment Rate Base:			
Utility Plant in Service	\$ 18,626,766		\$ 18,626,766
Less:			
Accumulated Provision for Depreciation	4,741,610		4,741,610
Net Plant in Service	\$ 13,885,156		\$ 13,885,156
Add: Materials and Supplies	22,500		22,500
Less: Regulatory Liability - pre-2003 Depreciation on Contributed Plant	76,490		76,490
Net Investment Rate Base	\$ 13,831,166		\$ 13,831,166

Whitewater Municipal Water Utility
6520-WR-106
Schedule of Staff Adjustments

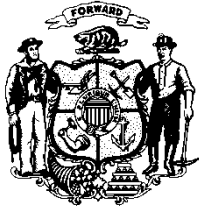
Schedule 4

Page 1 of 1

	Adjustments at 5.60% ROR
Utility Requested Rate Increase	\$ 548,362 23%
 <u>Adjustments to Expenses</u>	
 Acct. 926 - Employee Pensions and Benefits	
Utility Estimate	\$ 203,850
Staff Estimate	\$ 203,120
Adjustment	\$ (730)
Estimate revised to reflect an updated estimate provided by the Utility.	
 Acct. 928 - Regulatory Commission Expenses	
Utility Estimate	\$ 1,000
Staff Estimate	\$ 3,333
Adjustment	\$ 2,333
Estimate revised to reflect a three year normalization for rate case costs.	
 Acct. 930 - Miscellaneous General Expenses	
Utility Estimate	\$ 5,000
Staff Estimate	\$ 4,099
Adjustment	\$ (901)
Estimate revised to remove a portion of membership dues associated with lobbying.	
 Increase to ROR to 6.60%	 \$ 138,312
 Staff Estimated Rate Increase	 \$ 687,376 29%

Whitewater Municipal Water Utility
6520-WR-106
Schedule of Water Depreciation Rates
Effective January 1, 2022

Account Number	Account Title	Depreciation Rate
	SOURCE OF SUPPLY PLANT	
311	Structures and Improvements	3.20%
314	Wells and Springs	2.90%
316	Supply Mains	1.80%
	PUMPING PLANT	
321	Structures and Improvements	3.20%
325	Electric Pumping Equipment	4.40%
326	Diesel Pumping Equipment	4.40%
328	Other Pumping Equipment	4.40%
	WATER TREATMENT PLANT	
331	Structures and Improvements	3.20%
332	Sand or Other Media Filtration Equipment	3.30%
	TRANSMISSION AND DISTRIBUTION PLANT	
342	Distribution Reservoirs and Standpipes	1.90%
343	Transmission and Distribution Mains	1.30%
345	Services	2.90%
346	Meters	5.50%
348	Hydrants	2.20%
	GENERAL PLANT	
390	Structures and Improvements	2.90%
391.1	Computer Equipment	26.70%
392	Transportation Equipment	13.30%
396	Power Operated Equipment	7.50%
397	Communication Equipment	15.00%
397.1	SCADA Equipment	9.20%
398	Miscellaneous Equipment	5.80%



Public Service Commission of Wisconsin

Rebecca Cameron Valcq, Chairperson
Ellen Nowak, Commissioner
Tyler Huebner, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

Public Service Commission of Wisconsin
RECEIVED: 12/21/2022 8:45:00 AM

December 20, 2022

Mr. Steve Hatton, Finance Director
Whitewater Municipal Water Utility
312 W Whitewater Street
Whitewater, WI 53190

Re: Application of the City of Whitewater, Walworth and
Jefferson Counties, Wisconsin, as a Water Public Utility, for
Authority to Adjust Water Rates

6520-WR-106

Dear Mr. Hatton:

Public Service Commission (Commission) staff has analyzed the Whitewater Municipal Water Utility (Utility) application for a water rate increase. The Commission received the application on July 31, 2022. The attached proposed exhibit (Exhibit) contains schedules showing Commission staff's proposed cost-of-service analysis and proposed rates. Commission staff intends to submit the Exhibit at the public hearing, which will be scheduled at a later date.

The revenue requirement for the 2022 test year is comprised of the following:

Operation and Maintenance Expenses	\$	1,340,777
Depreciation Expense	\$	394,911
Property Tax Equivalent and Other Taxes	\$	441,552
Return on Rate Base	\$	912,857
Total	\$	3,090,097

Commission staff used a 6.60 percent rate of return on the estimated water utility net investment rate base for the 2022 test year, as recommended by our staff auditor. ([PSC REF#: 453726.](#))

Schedule 13 of the Exhibit shows the proposed rates that would increase annual revenues from water public utility service by an estimated \$687,376. Commission staff estimates \$452,311 would be from general service customers, and \$235,065 would be from the public fire protection (PFP) charge. The increase in water utility revenues results from a 26.25 percent increase in gross plant investment and a 22.97 percent increase in operating expenses since the Utility's last water conventional rate case (CRC) in 2020.

The overall increase in customer rates is 30.07 percent and is comprised of a 25.82 percent increase in general service charges and a 44.05 percent increase in PFP charges.

Under the rates proposed in the Exhibit, a typical single-family residential customer's bill would increase 29.61 percent, including PFP. Schedule 14 of the Exhibit shows Commission staff's analysis of customer bills for comparison of proposed and present rates.

Schedule X-1, Water Utility Operating Rules, of Schedule 13 includes changes to the Utility's filed rules that reflect the latest requirements in Wis. Admin. Code ch. PSC 185. Commission staff will recommend these changes to the Commission.

The proposed Commission staff Exhibit is intended to provide the Commission with Commission staff's analysis and is not a final decision. After review of the attached Exhibit, the Utility may, within five business days of the date of this letter, present its own case and may submit any additional information it believes to be pertinent to support its position. If Commission staff does not receive a response within that time, it will assume the Utility is in agreement with the staff proposal, and Commission staff will contact the Utility to schedule the public hearing. Please note that this is the Utility's primary opportunity to address any concerns or changes to Commission staff's proposed Cost of Service and Rate Design Exhibit.

The Utility should also be aware that the Commission will base its decision on the merits of the case and that the general service and PFP rates are typically effective within 90 days of the Final Decision.

In order to receive notification of official correspondence (i.e. data requests, notices, final decisions, etc.), individuals must subscribe to the Utility ID or PSC Docket. To subscribe, go to the Commission's [Electronic Records Filing System](#) (ERF). For help subscribing, go to [Subscribing to Dockets](#).

If you have any questions, please call me at (608) 266-3905.

Sincerely,



Andrew Fisher
Public Utility Rate Analyst
Public Service Commission of Wisconsin
Division of Water Utility Regulation and Analysis
(608) 266-3905 | Andrew.Fisher@wisconsin.gov

ALF:ajh:krl DL:01920939

cc: Karen Dieter, Whitewater Municipal Water Utility
Brian Roemer, Ehlers
Lisa Trebatoski, Ehlers

Ex.-PSC-COSS and Rate Design

Whitewater Municipal Water Utility

	<u>Schedule</u>
Comparative Income Statement	1
Net Investment Rate Base	2
Utility Financed Plant in Service and Depreciation Expense	3
System Demand Ratios	4
Allocation of Utility Financed Plant to Service Cost Functions	5
Allocation of Total Plant to Service Cost Functions	5A
Allocation of Depreciation Expense to Service Cost Functions	6
Allocation of Operation and Maintenance Expenses to Service Cost Functions	7
Summary of Allocation of Operating Costs to Service Cost Functions	8
Customer Class Demand Ratios	9
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Allocation of Service Cost Functions to Customer Classes	11
Comparison of Revenue at Present Rates, Cost of Service and Proposed Rates	12
Proposed Water Rates and Rules	13
Customer Water Bill Comparison at Present and Proposed Rates	14

COMPARATIVE INCOME STATEMENT

ACCT NO.	OPERATING REVENUES	2018	2019	2020	2021	TEST YEAR 2022
460	Unmetered Sales to General Customers					
	Residential	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
	Multi-Family Residential	0	0	0	0	0
	Commercial	0	0	0	0	0
	Industrial	0	0	0	0	0
	Public Authority	0	0	0	0	0
	Irrigation	0	0	0	0	0
461	Metered Sales to General Customers					
	Residential	533,427	538,479	582,693	668,694	682,207
	Multi-Family Residential	114,881	123,756	138,808	160,160	160,123
	Commercial	88,898	90,350	90,906	107,980	110,146
	Industrial	398,998	440,419	502,954	590,759	594,391
	Public Authority	161,154	164,093	142,540	190,060	205,103
	Irrigation	0	0	0	0	0
	TOTAL GENERAL SALES	\$ 1,297,358	\$ 1,357,097	\$ 1,457,901	\$ 1,717,653	\$ 1,751,970
462	Private fire protection service	41,882	43,773	41,594	43,803	52,632
463	Public fire protection service	445,905	458,350	477,961	515,063	533,619
465	Other water sales	0	0	7,353	11,837	11,000
466	Sales for resale	0	0	0	0	0
467	Interdepartmental sales	0	0	0	0	0
470	Forfeited discounts	6,788	7,087	6,686	9,495	7,000
472	Rents from water property	53,256	27,688	26,078	26,301	26,500
473	Interdepartmental rents	0	0	0	0	0
474	Other water revenues	14,890	15,645	27,655	209,141	20,000
	TOTAL OPERATING REVENUES	\$ 1,860,079	\$ 1,909,640	\$ 2,045,228	\$ 2,533,293	\$ 2,402,721
	OPERATING EXPENSES					
	SOURCE OF SUPPLY					
600	Operation labor	\$ 20,288	\$ 18,768	\$ 18,611	\$ 14,856	\$ 22,250
601	Purchased water	0	0	0	0	0
602	Operation supplies and expenses	0	0	0	0	0
605	Maintenance of water source plant	299	375	801	245	500
	PUMPING EXPENSES					
620	Operation labor	38,008	43,054	40,224	29,366	39,000
621	Fuel for power production	0	0	0	0	0
622	Fuel or power purchased for pumping	146,239	158,742	158,749	179,531	184,000
623	Operation supplies and expenses	0	0	0	0	0
625	Maintenance of pumping plant	27,560	29,595	24,359	171,068	65,000

COMPARATIVE INCOME STATEMENT
(continued)

ACCT NO.	OPERATING EXPENSES	2018	2019	2020	2021	TEST YEAR 2022
WATER TREATMENT EXPENSES						
630	Operation labor	\$ 27,333	\$ 26,766	\$ 19,462	\$ 14,713	\$ 23,400
631	Chemicals	28,865	30,003	33,427	33,295	35,000
632	Operation supplies and expenses	0	0	0	0	0
635	Maintenance of water treatment plant	6,833	2,636	79,097	\$ 125,003	61,250
TRANSMISSION & DISTRIBUTION EXPENSES						
640	Operation labor	1,335	1,254	957	588	1,075
641	Operation supplies and expenses	0	0	0	0	0
650	Maintenance of distr. reservoirs	31,870	28,645	27,792	32,759	55,000
651	Maintenance of mains	47,744	50,039	49,436	49,590	52,000
652	Maintenance of services	35,228	24,150	28,279	24,184	30,000
653	Maintenance of meters	39,852	24,422	60,796	46,368	44,000
654	Maintenance of hydrants	29,496	21,833	24,307	20,233	24,000
655	Maintenance of other plant	0	0	0	0	0
CUSTOMER ACCOUNTS EXPENSES						
901	Meter reading labor	925	1,318	1,083	95	750
902	Accounting and collecting labor	37,441	37,360	38,080	38,147	38,500
903	Supplies and expenses	9,924	10,775	14,611	26,117	19,000
904	Uncollectible accounts	0	0	0	0	0
906	Customer service and informational expense	0	0	0	0	0
SALES EXPENSES						
910	Sales Expenses	0	0	0	0	0
ADMINISTRATIVE & GENERAL EXPENSES						
920	Administrative and general salaries	109,753	117,068	118,616	120,800	124,000
921	Office supplies and expenses	12,809	13,527	15,300	16,042	15,500
922	Administrative expenses transferred -- credit	0	0	0	0	0
923	Outside services employed	20,920	43,091	26,179	37,501	36,500
924	Property insurance	16,934	19,715	20,207	21,868	23,500
925	Injuries and damages	0	0	0	0	0
926	Employee pensions and benefits	130,141	169,721	143,647	143,371	203,120
928	Regulatory commission expenses	0	0	0	0	3,333
930	Miscellaneous general expenses	3,130	2,560	1,418	2,806	4,099
933	Transportation expenses	9,631	9,348	8,404	6,950	11,000
935	Maintenance of general plant	173,603	175,463	213,940	229,306	225,000
TOTAL OPER. & MAINT. EXPENSES						
		\$ 1,006,161	\$ 1,060,228	\$ 1,167,782	\$ 1,384,802	\$ 1,340,777
403	DEPRECIATION EXPENSE	249,180	190,908	239,725	279,087	394,911
404-407	AMORTIZATION EXPENSE	0	0	0	0	0
408	TAXES AND TAX EQUIVALENT	353,041	369,742	378,618	385,616	441,552
TOTAL OPERATING EXPENSES						
		\$ 1,608,382	\$ 1,620,878	\$ 1,786,125	\$ 2,049,505	\$ 2,177,240
NET OPERATING INCOME						
		\$ 251,697	\$ 288,762	\$ 259,103	\$ 483,788	\$ 225,481

NET INVESTMENT RATE BASE

UTILITY FINANCED PLANT IN SERVICE	\$	18,626,766
Less: ACCUMULATED PROVISION FOR DEPRECIATION		<u>4,741,610</u>
NET PLANT IN SERVICE	\$	13,885,156
Plus: MATERIALS AND SUPPLIES		22,500
Less: REGULATORY LIABILITY		<u>76,490</u>
NET INVESTMENT RATE BASE	\$	<u><u>13,831,166</u></u>
RATE OF RETURN ON RATE BASE		6.60%

ESTIMATED INCOME STATEMENT FOR THE 2022 TEST YEAR
AND
REVENUE REQUIREMENT TO YIELD A 6.60% RETURN ON NET INVESTMENT RATE BASE

	<u>Present Rates</u>	<u>Increase</u>	<u>After Rate Increase</u>
TOTAL OPERATING REVENUES	\$ <u>2,402,721</u>	\$ <u>687,376</u>	\$ <u>3,090,097</u>
OPERATING EXPENSES:			
OPERATION & MAINTENANCE EXPENSES	\$ 1,340,777		\$ 1,340,777
DEPRECIATION EXPENSE	394,911		394,911
AMORTIZATION EXPENSE	0		0
TAXES AND TAX EQUIVALENT	<u>441,552</u>		<u>441,552</u>
TOTAL OPERATING EXPENSES	\$ <u>2,177,240</u>		\$ <u>2,177,240</u>
NET OPERATING INCOME (LOSS)	\$ <u>225,481</u>		\$ <u><u>912,857</u></u>
RATE OF RETURN ON RATE BASE	1.63%		6.60%

UTILITY FINANCED PLANT IN SERVICE AND DEPRECIATION EXPENSE
TEST YEAR 2022

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Balance</u>	<u>Major</u>	<u>Normal</u>		<u>Balance</u>	<u>Test Year</u>	<u>Depreciation</u>	
		<u>12/31/2021</u>	<u>Less</u>	<u>Additions</u>	<u>Retirements</u>	<u>12/31/2022</u>	<u>Rate Base</u>	<u>Rate</u>	<u>Expense</u>
		<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(%)</u>	<u>(\$)</u>
INTANGIBLE PLANT									
301	Organization	0	0	0	0	0	0	N/A	0
302	Franchises and Consents	0	0	0	0	0	0	N/A	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	N/A	0
SOURCE OF SUPPLY									
310	Land and Land Rights	76,704	0	0	0	76,704	76,704	N/A	0
311	Structures and Improvements	102,785	0	38,500	0	141,285	122,035	3.20%	3,905
312	Collecting and Impounding Reservoirs	0	0	0	0	0	0	0.00%	0
313	Lake, River, and Other Intakes	0	0	0	0	0	0	0.00%	0
314	Wells and Springs	366,520	0	0	0	366,520	366,520	2.90%	10,629
316	Supply Mains	17,029	0	0	0	17,029	17,029	1.80%	307
317	Other Water Source Plant	0	0	0	0	0	0	0.00%	0
PUMPING PLANT									
320	Land and Land Rights	0	0	0	0	0	0	N/A	0
321	Structures and Improvements	58,639	0	0	0	58,639	58,639	3.20%	1,876
323	Other Power Production Equipment	0	0	0	0	0	0	0.00%	0
325	Electric Pumping Equipment	97,697	0	0	0	97,697	97,697	4.40%	4,299
326	Diesel Pumping Equipment	51,851	0	0	0	51,851	51,851	4.40%	2,281
328	Other Pumping Equipment	27,830	0	0	0	27,830	27,830	4.40%	1,225
WATER TREATMENT PLANT									
330	Land and Land Rights	0	0	0	0	0	0	N/A	0
331	Structures and Improvements	155,594	0	0	0	155,594	155,594	3.20%	4,979
332	Sand or Other Media Filtration Equipment	273,082	0	0	0	273,082	273,082	3.30%	9,012
333	Membrane Filtration Equipment	0	0	0	0	0	0	0.00%	0
334	Other Water Treatment Equipment	0	0	0	0	0	0	0.00%	0

UTILITY FINANCED PLANT IN SERVICE AND DEPRECIATION EXPENSE
TEST YEAR 2022
(continued)

<u>ACCT NO.</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Balance</u>	<u>Major</u>	<u>Normal</u>	<u>Retirements</u>	<u>Balance</u>	<u>TEST YEAR</u>	<u>DEPRECIATION</u>	
		<u>12/31/2021</u>	<u>Additions</u>	<u>Additions</u>		<u>12/31/2022</u>	<u>RATE BASE</u>	<u>RATE</u>	<u>EXPENSE</u>
		<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(\$)</u>	<u>(%)</u>	<u>(\$)</u>
TRANSMISSION & DISTRIBUTION PLANT									
340	Land and Land Rights	898	0	0	0	898	898	N/A	0
341	Structures and Improvements	0	0	0	0	0	0	0.00%	0
342	Distribution Reservoirs and Standpipes	504,482	2,587,366	0	0	3,091,848	3,091,848	1.90%	58,745
343	Transmission and Distribution Mains	9,259,319	0	1,173,439	98,070	10,334,688	9,797,003	1.30%	127,361
345	Services	1,216,678	0	204,034	8,440	1,412,272	1,314,475	2.90%	38,120
346	Meters	882,419	0	0	0	882,419	882,419	5.50%	24,266
348	Hydrants	982,672	0	153,701	8,200	1,128,173	1,055,423	2.20%	23,219
349	Other Transmission and Distribution Plant	0	0	0	0	0	0	0.00%	0
GENERAL PLANT									
389	Land and Land Rights	146,905	0	0	0	146,905	146,905	N/A	0
390	Structures and Improvements	102,032	0	300,000	0	402,032	252,032	2.90%	7,309
391	Office Furniture and Equipment	0	0	0	0	0	0	0.00%	0
391	Computer Equipment	23,150	0	0	0	23,150	23,150	26.70%	6,181
392	Transportation Equipment	137,347	0	0	0	137,347	137,347	13.30%	18,267
393	Stores Equipment	0	0	0	0	0	0	0.00%	0
394	Tools, Shop and Garage Equipment	0	0	0	0	0	0	0.00%	0
395	Laboratory Equipment	0	0	0	0	0	0	0.00%	0
396	Power Operated Equipment	431,706	0	0	0	431,706	431,706	7.50%	32,378
397	Communication Equipment	9,348	0	0	0	9,348	9,348	15.00%	1,402
397	SCADA Equipment	158,555	0	0	0	158,555	158,555	9.20%	14,587
398	Miscellaneous Equipment	78,676	0	0	0	78,676	78,676	5.80%	4,563
TOTAL UTILITY FINANCED PLANT IN SERVICE		15,161,918	2,587,366	1,869,674	114,710	19,504,248	18,626,766		394,911

Whitewater Municipal Water Utility

SYSTEM DEMAND RATIOS

MAXIMUM DAY SYSTEM DEMAND

TOTAL ANNUAL PUMPAGE 649,353,959 Gallons

AVERAGE DAILY PUMPAGE 1,779,052 Gallons

MAXIMUM DAY PUMPAGE 3,578,575 Gallons

FIRE FLOW:

GAL/MIN	4,000
DURATION (HOURS)	4.00
TOTAL FLOW	960,000 Gallons

AVERAGE DAY PLUS FIRE FLOW 2,739,052 Gallons

RATIO: BASE = $\frac{1,779,052}{3,578,575}$ = 49.71%

MAX DAY = 100-BASE = 50.29%

MAXIMUM HOUR SYSTEM DEMAND

AVERAGE HOUR ON MAX DAY 149,107 Gallons

MAXIMUM HOUR PUMPAGE 222,381 Gallons

AVERAGE HOUR PLUS ONE HOUR FIRE FLOW 314,127 Gallons

RATIO: BASE = $\frac{1,779,052}{7,539,052}$ = 23.60% Use 23.60%

MAX HOUR = 100-BASE = 76.40% Use 76.40%

**ALLOCATION OF UTILITY FINANCED PLANT
TO SERVICE COST FUNCTIONS**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY													
		TOTAL (\$)	BASE COSTS		MAX DAY				MAX HOUR				CUSTOMER COSTS		
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)		
INTANGIBLE PLANT															
301	Organization	0	0	0	0	0	0	0	0	0	0	0	0		
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0	0		
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0	0		
SOURCE OF SUPPLY															
310	Land and Land Rights	76,704	38,133		38,571										
311	Structures and Improvements	122,035	60,668		61,367										
312	Collecting and Impounding Reservoirs	0	0		0										
313	Lake, River, and Other Intakes	0	0		0										
314	Wells and Springs	366,520	182,212		184,308										
316	Supply Mains	17,029	8,466		8,563										
317	Other Water Source Plant	0	0		0										
PUMPING PLANT															
320	Land and Land Rights	0	0		0										
321	Structures and Improvements	58,639	29,152		29,487										
323	Other Power Production Equipment	0	0		0										
325	Electric Pumping Equipment	97,697	48,569		49,128										
326	Diesel Pumping Equipment	51,851	25,777		26,074										
328	Other Pumping Equipment	27,830	13,835		13,995										
WATER TREATMENT PLANT															
330	Land and Land Rights	0	0		0										
331	Structures and Improvements	155,594	77,352		78,242										
332	Sand or Other Media Filtration Equipment	273,082	135,760		137,322										
333	Membrane Filtration Equipment	0	0		0										
334	Other Water Treatment Equipment	0	0		0										

**ALLOCATION OF UTILITY FINANCED PLANT
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	
TRANSMISSION & DISTRIBUTION PLANT													
340	Land and Land Rights	898	76	112	35	0	0	363	131	0	49	73	59
341	Structures and Improvements	0	0	0	0	0	0	0	0	0	0	0	0
342	Distribution Reservoirs and Standpipes	3,091,848	729,609						2,362,239				
343	Transmission mains	1,267,567	630,158		637,409								
343	Distribution mains	8,529,436		2,012,761				6,516,675					
345	Services	1,314,475										1,314,475	
346	Meters	882,419									882,419		
348	Hydrants	1,055,423											1,055,423
349	Other Transmission and Distribution Plant	0	0	0	0	0	0	0	0	0	0	0	0
GENERAL PLANT													
389	Land and Land Rights	146,905	16,725	17,005	10,683	0	0	55,057	19,958	0	7,455	11,105	8,917
390	Structures and Improvements	252,032	28,694	29,174	18,327	0	0	94,456	34,240	0	12,790	19,053	15,298
391	Office Furniture and Equipment	0	0	0	0	0	0	0	0	0	0	0	0
391	Computer Equipment	23,150	2,636	2,680	1,683	0	0	8,676	3,145	0	1,175	1,750	1,405
392	Transportation Equipment	137,347	15,637	15,899	9,988	0	0	51,475	18,659	0	6,970	10,383	8,337
393	Stores Equipment	0	0	0	0	0	0	0	0	0	0	0	0
394	Tools, Shop and Garage Equipment	0	0	0	0	0	0	0	0	0	0	0	0
395	Laboratory Equipment	0	0	0	0	0	0	0	0	0	0	0	0
396	Power Operated Equipment	431,706	49,150	49,972	31,393	0	0	161,794	58,649	0	21,908	32,635	26,204
397	Communication Equipment	9,348	1,064	1,082	680	0	0	3,503	1,270	0	474	707	567
397	SCADA Equipment	158,555	18,052	18,354	11,530	0	0	59,423	21,540	0	8,046	11,986	9,624
398	Miscellaneous Equipment	78,676	8,957	9,107	5,721	0	0	29,486	10,688	0	3,993	5,948	4,775
TOTAL		18,626,766	2,120,682	2,156,145	1,354,507	0	0	6,980,907	2,530,520	0	945,280	1,408,115	1,130,609

**ALLOCATION OF TOTAL PLANT
TO SERVICE COST FUNCTIONS**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	
INTANGIBLE PLANT													
301	Organization	0	0	0	0	0	0	0	0	0	0	0	
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0	
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0	
SOURCE OF SUPPLY													
310	Land and Land Rights	76,704	38,133		38,571								
311	Structures and Improvements	122,035	60,668		61,367								
312	Collecting and Impounding Reservoirs	0	0		0								
313	Lake, River, and Other Intakes	0	0		0								
314	Wells and Springs	585,549	291,100		294,449								
316	Supply Mains	17,029	8,466		8,563								
317	Other Water Source Plant	0	0		0								
PUMPING PLANT													
320	Land and Land Rights	0	0		0								
321	Structures and Improvements	463,697	230,522		233,175								
323	Other Power Production Equipment	0	0		0								
325	Electric Pumping Equipment	395,711	196,724		198,987								
326	Diesel Pumping Equipment	51,851	25,777		26,074								
328	Other Pumping Equipment	27,830	13,835		13,995								
WATER TREATMENT PLANT													
330	Land and Land Rights	0	0		0								
331	Structures and Improvements	370,874	184,376		186,498								
332	Sand or Other Media Filtration Equipment	1,087,868	540,822		547,046								
333	Membrane Filtration Equipment	0	0		0								
334	Other Water Treatment Equipment	0	0		0								

**ALLOCATION OF TOTAL PLANT
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	
TRANSMISSION & DISTRIBUTION PLANT													
340	Land and Land Rights	898	60	121	26	0	0	393	111	0	36	86	64
341	Structures and Improvements	0	0	0	0	0	0	0	0	0	0	0	0
342	Distribution Reservoirs and Standpipes	3,519,482	830,521						2,688,961				
343	Transmission mains	1,267,567	630,158		637,409								
343	Distribution mains	12,460,688		2,940,451				9,520,237					
345	Services	2,075,040										2,075,040	
346	Meters	882,419									882,419		
348	Hydrants	1,539,296											1,539,296
349	Other Transmission and Distribution Plant	0	0	0	0	0	0	0	0	0	0	0	0
GENERAL PLANT													
389	Land and Land Rights	146,905	17,969	17,318	13,228	0	0	56,070	15,837	0	5,197	12,221	9,066
390	Structures and Improvements	252,032	30,828	29,711	22,695	0	0	96,194	27,170	0	8,916	20,966	15,553
391	Office Furniture and Equipment	0	0	0	0	0	0	0	0	0	0	0	0
391	Computer Equipment	23,150	2,832	2,729	2,085	0	0	8,836	2,496	0	819	1,926	1,429
392	Transportation Equipment	137,347	16,800	16,191	12,368	0	0	52,421	14,806	0	4,859	11,426	8,476
393	Stores Equipment	0	0	0	0	0	0	0	0	0	0	0	0
394	Tools, Shop and Garage Equipment	0	0	0	0	0	0	0	0	0	0	0	0
395	Laboratory Equipment	0	0	0	0	0	0	0	0	0	0	0	0
396	Power Operated Equipment	431,706	52,805	50,891	38,873	0	0	164,770	46,539	0	15,272	35,913	26,641
397	Communication Equipment	9,348	1,143	1,102	842	0	0	3,568	1,008	0	331	778	577
397	SCADA Equipment	158,555	19,394	18,691	14,277	0	0	60,516	17,093	0	5,609	13,190	9,785
398	Miscellaneous Equipment	78,676	9,623	9,275	7,084	0	0	30,028	8,481	0	2,783	6,545	4,855
TOTAL		26,182,257	3,202,559	3,086,480	2,357,612	0	0	9,993,033	2,822,501	0	926,242	2,178,091	1,615,741

**ALLOCATION OF DEPRECIATION EXPENSE
TO SERVICE COST FUNCTIONS**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY											
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			CUSTOMER COSTS			Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	
	INTANGIBLE PLANT												
301	Organization	0	0	0	0	0	0	0	0	0	0	0	0
302	Franchises and Consents	0	0	0	0	0	0	0	0	0	0	0	0
303	Miscellaneous Intangible Plant	0	0	0	0	0	0	0	0	0	0	0	0
	SOURCE OF SUPPLY												
310	Land and Land Rights	0	0		0								
311	Structures and Improvements	3,905	1,941		1,964								
312	Collecting and Impounding Reservoirs	0	0		0								
313	Lake, River, and Other Intakes	0	0		0								
314	Wells and Springs	10,629	5,284		5,345								
316	Supply Mains	307	153		154								
317	Other Water Source Plant	0	0		0								
	PUMPING PLANT												
320	Land and Land Rights	0	0		0								
321	Structures and Improvements	1,876	933		943								
323	Other Power Production Equipment	0	0		0								
325	Electric Pumping Equipment	4,299	2,137		2,162								
326	Diesel Pumping Equipment	2,281	1,134		1,147								
328	Other Pumping Equipment	1,225	609		616								
	WATER TREATMENT PLANT												
330	Land and Land Rights	0	0		0								
331	Structures and Improvements	4,979	2,475		2,504								
332	Sand or Other Media Filtration Equipment	9,012	4,480		4,532								
333	Membrane Filtration Equipment	0	0		0								
334	Other Water Treatment Equipment	0	0		0								

**ALLOCATION OF DEPRECIATION EXPENSE
TO SERVICE COST FUNCTIONS
(continued)**

ACCT NO.	ACCOUNT DESCRIPTION	EXTRA-CAPACITY														
		TOTAL (\$)	BASE COSTS		MAX DAY					MAX HOUR			CUSTOMER COSTS			Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)				
TRANSMISSION & DISTRIBUTION PLANT																
340	Land and Land Rights	0	0	0	0	0	0	0	0	0	0	0	0			
341	Structures and Improvements	0	0	0	0	0	0	0	0	0	0	0	0			
342	Distribution Reservoirs and Standpipes	58,745	13,863						44,882							
343	Transmission mains	16,478	8,192		8,286											
343	Distribution mains	110,883		26,166				84,717								
345	Services	38,120										38,120				
346	Meters	24,266									24,266					
348	Hydrants	23,219											23,219			
349	Other Transmission and Distribution Plant	0	0	0	0	0	0	0	0	0	0	0	0			
GENERAL PLANT																
389	Land and Land Rights	0	0	0	0	0	0	0	0	0	0	0	0			
390	Structures and Improvements	7,309	971	616	652	0	0	1,996	1,057	0	572	898	547			
391	Office Furniture and Equipment	0	0	0	0	0	0	0	0	0	0	0	0			
391	Computer Equipment	6,181	821	521	551	0	0	1,688	894	0	483	760	463			
392	Transportation Equipment	18,267	2,426	1,541	1,628	0	0	4,988	2,643	0	1,429	2,245	1,367			
393	Stores Equipment	0	0	0	0	0	0	0	0	0	0	0	0			
394	Tools, Shop and Garage Equipment	0	0	0	0	0	0	0	0	0	0	0	0			
395	Laboratory Equipment	0	0	0	0	0	0	0	0	0	0	0	0			
396	Power Operated Equipment	32,378	4,300	2,731	2,886	0	0	8,842	4,684	0	2,533	3,979	2,423			
397	Communication Equipment	1,402	186	118	125	0	0	383	203	0	110	172	105			
397	SCADA Equipment	14,587	1,937	1,230	1,300	0	0	3,983	2,110	0	1,141	1,792	1,092			
398	Miscellaneous Equipment	4,563	606	385	407	0	0	1,246	660	0	357	561	342			
TOTAL		394,911	52,448	33,309	35,202	0	0	107,843	57,135	0	30,890	48,526	29,557			

**ALLOCATION OF OPERATION AND MAINTENANCE EXPENSES
TO SERVICE COST FUNCTIONS**

		EXTRA-CAPACITY							CUSTOMER COSTS				
		TOTAL (\$)	BASE COSTS		MAX DAY		MAX HOUR			Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)
			System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)				
ACCT NO.	ACCOUNT DESCRIPTION												
SOURCE OF SUPPLY													
600	Operation labor	22,250	11,061		11,189								
601	Purchased water	0	0										0
602	Operation supplies and expenses	0	0		0								
605	Maintenance of water source plant	500	249		251								
PUMPING EXPENSES													
620	Operation labor	39,000	19,388		19,612								
621	Fuel for power production	0	0										
622	Fuel or power purchased for pumping	184,000	184,000										
623	Operation supplies and expenses	0	0		0								
625	Maintenance of pumping plant	65,000	32,314		32,686								
WATER TREATMENT EXPENSES													
630	Operation labor	23,400	11,633		11,767								
631	Chemicals	35,000	35,000										
632	Operation supplies and expenses	0	0		0								
635	Maintenance of water treatment plant	61,250	30,450		30,800								
TRANSMISSION & DISTRIBUTION EXPENSES													
640	Operation labor	1,075	76	61	8	0	0	197	220	0	231	157	126
641	Operation supplies and expenses	0	0	0	0	0	0	0	0	0	0	0	0
650	Maintenance of distr. reservoirs	55,000	12,979						42,021				
651	Maintenance of transmission mains	2,937	1,460		1,477								
651	Maintenance of distribution mains	49,063		11,578				37,485					
652	Maintenance of services	30,000										30,000	
653	Maintenance of meters	44,000									44,000		
654	Maintenance of hydrants	24,000											24,000
655	Maintenance of other plant	0	0	0	0	0	0	0	0	0	0	0	0

**ALLOCATION OF OPERATION AND MAINTENANCE EXPENSES
TO SERVICE COST FUNCTIONS
(continued)**

		EXTRA-CAPACITY											
		BASE COSTS			MAX DAY			MAX HOUR			CUSTOMER COSTS		
			System	Distribution	System	Distribution	System	Distribution	Storage	Billing	Equivalent Meter	Equivalent Service	Fire Protection
ACCT NO.	ACCOUNT DESCRIPTION	TOTAL (\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
CUSTOMER ACCOUNTS EXPENSES													
901	Meter reading labor	750								750			
902	Accounting and collecting labor	38,500								38,500			
903	Supplies and expenses	19,000								19,000			
904	Uncollectible accounts	0								0			
906	Customer service and informational expense	0								0			
SALES EXPENSES													
910	Sales Expenses	0								0			
ADMINISTRATIVE & GENERAL EXPENSES													
920	Administrative and general salaries	124,000	33,649	3,274	30,324	0	0	10,601	11,884	6,555	12,443	8,484	6,787
921	Office supplies and expenses	15,500	4,206	409	3,790	0	0	1,325	1,485	819	1,555	1,060	848
922	Administrative expenses transferred -- credit	0	0	0	0	0	0	0	0	0	0	0	0
923	Outside services employed	36,500	9,905	964	8,926	0	0	3,120	3,498	1,929	3,663	2,497	1,998
924	Property insurance	23,500	2,874	2,770	2,116	0	0	8,969	2,533	0	831	1,955	1,450
925	Injuries and damages	0	0	0	0	0	0	0	0	0	0	0	0
926	Employee pensions and benefits	203,120	55,119	5,363	49,672	0	0	17,365	19,466	10,737	20,383	13,897	11,118
928	Regulatory commission expenses	3,333	904	88	815	0	0	285	319	176	334	228	182
930	Miscellaneous general expenses	4,099	1,112	108	1,002	0	0	350	393	217	411	280	224
933	Transportation expenses	11,000	2,985	290	2,690	0	0	940	1,054	581	1,104	753	602
935	Maintenance of general plant	225,000	61,057	5,941	55,023	0	0	19,235	21,563	11,894	22,578	15,394	12,315
TOTAL OPERATION & MAINTENANCE EXPENSES													
		1,340,777	510,422	30,847	262,148	0	0	99,872	104,437	91,159	107,534	74,707	59,652

SUMMARY OF ALLOCATION OF OPERATING COSTS TO SERVICE COST FUNCTIONS

<u>OPERATING COST</u>	EXTRA-CAPACITY											
	BASE COSTS			MAX DAY			MAX HOUR			CUSTOMER COSTS		
	TOTAL (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)
OPERATION AND MAINTENANCE	1,340,777	510,422	30,847	262,148	0	0	99,872	104,437	91,159	107,534	74,707	59,652
DEPRECIATION EXPENSE	394,911	52,448	33,309	35,202	0	0	107,843	57,135	0	30,890	48,526	29,557
AMORTIZATION EXPENSE	0	0	0	0	0	0	0	0	0	0	0	0
TAXES AND TAX EQUIVALENT	441,552	54,010	52,052	39,760	0	0	168,528	47,600	0	15,621	36,733	27,249
RETURN ON NET INVESTMENT RATE BASE	912,857	103,930	105,668	66,381	0	0	342,119	124,015	0	46,326	69,009	55,409
TOTAL	3,090,097	720,810	221,876	403,491	0	0	718,363	333,187	91,159	200,371	228,974	171,866

CUSTOMER CLASS DEMAND RATIOS

CUSTOMER CLASS	BASE COSTS					EXTRA-CAPACITY MAX DAY DEMAND					EXTRA-CAPACITY MAX HOUR DEMAND					
	Annual Volume 1,000 Mgal	Average Day Volume Gal		System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Extra Capacity Ratio	Volume Rate Gal Per Day	Percent (%)	System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Extra Capacity Ratio	Volume Rate Gal Per Hour	Percent (%)	System Adjusted Percent (%)	Distribution Adjusted Percent (%)	Storage Adjusted Percent (%)
			Percent (%)													
Residential	130,750	358,219	22.23%	22.23%	22.23%	2.40	859,726	23.95%	23.95%	23.95%	5.05	75,375	16.30%	16.95%	16.95%	16.30%
Multifamily Residential	53,400	146,301	9.08%	9.08%	9.08%	2.15	314,548	8.76%	8.76%	8.76%	4.50	27,432	5.93%	6.17%	6.17%	5.93%
Commercial	27,325	74,863	4.65%	4.65%	4.65%	1.90	142,240	3.96%	3.96%	3.96%	3.95	12,321	2.66%	2.77%	2.77%	2.66%
Industrial	300,175	822,397	51.03%	51.03%	51.03%	1.15	945,757	26.34%	26.34%	26.34%	2.20	75,386	16.30%	16.95%	16.95%	16.30%
Public Authority	70,650	193,562	12.01%	12.01%	12.01%	1.90	367,767	10.24%	10.24%	10.24%	3.95	31,857	6.89%	7.16%	7.16%	6.89%
Public Fire Protection	5,882	16,115	1.00%	1.00%	1.00%		960,000	26.74%	26.74%	26.74%		240,000	51.91%	50.00%	50.00%	51.91%
TOTALS	588,182	1,611,457	100%	100%	100%		3,590,038	100%	100%	100%		462,371	100%	100%	100%	100%

50% 50% <-- Public Fire % Limits --> 50% 50% 80%

Maximum Day Demand = 4,225,380 (GAL/DAY) SUM OF GENERAL SERVICE AVERAGE AND MAXIMUM DAY EXTRA CAPACITY DEMAND

Maximum Hour Demand = 288,844 (GAL/HR) SUM OF GENERAL SERVICE AVERAGE AND MAXIMUM HOUR EXTRA CAPACITY DEMAND

1.18 = NON-COINCIDENT / COINCIDENT RATIO FOR MAX DAY

1.30 = NON-COINCIDENT / COINCIDENT RATIO FOR MAX HOUR

CUSTOMER CLASS ALLOCATION FACTORS

NUMBER OF METERS

Meter size (inches):														TOTAL	
	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	METERS	PERCENT
Residential	0	3,206	17	0	0	0	0	0	0	0	0	0	0	3,223	85%
Multifamily Residential	0	5	27	0	55	14	0	3	0	0	0	0	0	104	3%
Commercial	0	240	46	0	17	11	0	1	0	0	0	0	0	315	8%
Industrial	0	10	10	0	11	4	0	2	1	0	1	0	0	39	1%
Public Authority	0	17	12	0	17	21	0	20	6	0	0	0	0	93	2%
TOTALS	0	3,478	112	0	100	50	0	26	7	0	1	0	0	3,774	100%

EQUIVALENT METERS

ALLOCATION FACTOR:														TOTAL	
Meter size (inches):	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	EQUIV. METERS	PERCENT
Equiv. meters ratio:	1.0	1.0	2.5	3.7	5.0	8.0	12.5	15.0	25.0	50.0	80.0	120.0	160.0		
Residential	0	3,206	43	0	0	0	0	0	0	0	0	0	0	3,249	61%
Multifamily Residential	0	5	68	0	275	112	0	45	0	0	0	0	0	505	10%
Commercial	0	240	115	0	85	88	0	15	0	0	0	0	0	543	10%
Industrial	0	10	25	0	55	32	0	30	25	0	80	0	0	257	5%
Public Authority	0	17	30	0	85	168	0	300	150	0	0	0	0	750	14%
TOTALS	0	3,478	280	0	500	400	0	390	175	0	80	0	0	5,303	100%

EQUIVALENT SERVICES

ALLOCATION FACTOR:														TOTAL	
Meter size (inches):	5/8	3/4	1	1-1/4	1-1/2	2	2-1/2	3	4	6	8	10	12	EQUIV. SERVICES	PERCENT
Equiv. services ratio:	1.0	1.0	1.3	1.7	2.0	3.0	3.5	4.0	5.0	6.0	7.0	8.0	9.0		
Residential	0	3,206	22	0	0	0	0	0	0	0	0	0	0	3,228	78%
Multifamily Residential	0	5	35	0	110	42	0	12	0	0	0	0	0	204	5%
Commercial	0	240	60	0	34	33	0	4	0	0	0	0	0	371	9%
Industrial	0	10	13	0	22	12	0	8	5	0	7	0	0	77	2%
Public Authority	0	17	16	0	34	63	0	80	30	0	0	0	0	240	6%
TOTALS	0	3,478	146	0	200	150	0	104	35	0	7	0	0	4,120	100%

ALLOCATION OF SERVICE COST FUNCTIONS TO CUSTOMER CLASSES

	TOTAL	Residential	Multifamily Residential	Commercial	Industrial	Public Authority	Public Fire Protection
	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
BASE COSTS:							
SYSTEM	720,810	160,233	65,441	33,486	367,861	86,581	7,208
DISTRIBUTION	221,876	49,322	20,144	10,308	113,233	26,651	2,219
EXTRA-CAPACITY COSTS:							
MAXIMUM-DAY SYSTEM	403,491	96,626	35,353	15,987	106,295	41,334	107,896
MAXIMUM-DAY DISTRIBUTION	0	0	0	0	0	0	0
MAXIMUM-HOUR SYSTEM	0	0	0	0	0	0	0
MAXIMUM-HOUR DISTRIBUTION	718,363	121,749	44,308	19,902	121,767	51,456	359,181
MAXIMUM-HOUR STORAGE	333,187	54,316	19,767	8,879	54,324	22,956	172,945
CUSTOMER COSTS:							
BILLING	91,159	77,850	2,512	7,609	942	2,246	
EQUIVALENT METERS	200,371	122,743	19,062	20,517	9,711	28,338	
EQUIVALENT SERVICES	228,974	179,423	11,344	20,610	4,280	13,317	
FIRE PROTECTION	171,866						171,866
TOTAL COST	3,090,097	862,261	217,931	137,296	778,412	272,880	821,316
LESS OTHER REVENUE	117,132	24,514	6,196	3,903	22,130	7,758	52,632
COST OF SERVICE	2,972,965	837,747	211,736	133,393	756,282	265,123	768,684
REVENUE AT PRESENT RATES	2,285,589	682,207	160,123	110,146	594,391	205,103	533,619
DIFFERENCE	687,376	155,540	51,613	23,247	161,891	60,020	235,065
PERCENT INCREASE/DECREASE	30.07%	22.80%	32.23%	21.11%	27.24%	29.26%	44.05%

Docket 6520-WR-106

Schedule 11

Whitewater Municipal Water Utility
Comparison of Revenue
at
Present Rates, Cost of Service and Proposed Rates

Customer Class	Revenue at Present Rates	Cost of Service		Proposed Rates		
		Revenue Required	Increase over Present Rates	Revenue	Increase over Present Rates	Percent of Cost of Service
Residential	\$682,207	\$837,747	22.80%	\$837,804	22.81%	100.01%
Multifamily Residential	\$160,123	\$211,736	32.23%	\$203,293	26.96%	96.01%
Commercial	\$110,146	\$133,393	21.11%	\$136,567	23.99%	102.38%
Industrial	\$594,391	\$756,282	27.24%	\$767,505	29.12%	101.48%
Public Authority	\$205,103	\$265,123	29.26%	\$259,586	26.56%	97.91%
Public Fire Protection	<u>\$533,619</u>	<u>\$768,684</u>	44.05%	<u>\$768,684</u>	44.05%	100.00%
Total	<u><u>\$2,285,589</u></u>	<u><u>\$2,972,965</u></u>	<u><u>30.07%</u></u>	<u><u>\$2,973,439</u></u>	<u><u>30.10%</u></u>	<u><u>100.02%</u></u>

Whitewater Municipal Water Utility

Proposed Water Rates and Rules

Whitewater Municipal Water Utility

Water Rate File Changes

Amended

F-1
Upf-1
Mg-1R
Mg-1MF
Mg-1NR
Am-1
OC-1
Mpa-1
Ug-1
Sg-1
BW-1
R-1
Cz-1
X-1
X-2
X-3

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Public Fire Protection Service**

Public fire protection service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission shall apply.

Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Monthly Public Fire Protection Service Charges:

5/8 - inch meter:	\$ 12.08	3 - inch meter:	\$ 181.00
3/4 - inch meter:	\$ 12.08	4 - inch meter:	\$ 302.00
1 - inch meter:	\$ 30.15	6 - inch meter:	\$ 604.00
1 1/4 - inch meter:	\$ 44.68	8 - inch meter:	\$ 966.00
1 1/2 - inch meter:	\$ 60.30	10 - inch meter:	\$ 1,450.00
2 - inch meter:	\$ 97.00	12 - inch meter:	\$ 1,933.00

Customers who are provided service under Schedules Mg-1R, Mg-1MF, Mg-1NR, Ug-1, or Sg-1 shall also be subject to the charges in this schedule according to the size of their primary meter. Customers who are provided service under Schedule Am-1 are exempt from these charges for any additional meters.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Private Fire Protection Service - Unmetered**

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

Monthly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection:	\$	12.00
3 - inch connection:	\$	22.00
4 - inch connection:	\$	36.00
6 - inch connection:	\$	72.00
8 - inch connection:	\$	116.00
10 - inch connection:	\$	174.00
12 - inch connection:	\$	232.00
14 - inch connection:	\$	298.00
16 - inch connection:	\$	348.00

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****General Service – Metered - Residential**

Monthly Service Charges:

5/8 - inch meter:	\$ 9.80	3 - inch meter:	\$ 68.00
3/4 - inch meter:	\$ 9.80	4 - inch meter:	\$ 104.00
1 - inch meter:	\$ 15.90	6 - inch meter:	\$ 188.00
1 1/4 - inch meter:	\$ 21.55	8 - inch meter:	\$ 286.00
1 1/2 - inch meter:	\$ 27.05	10 - inch meter:	\$ 417.00
2 - inch meter:	\$ 41.00	12 - inch meter:	\$ 547.00

Plus Volume Charges:

First	2,000	gallons used each month:	\$2.98 per 1,000 gallons
Over	2,000	gallons used each month:	\$3.98 per 1,000 gallons

Billing: Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3 percent but not less than 50 cents will be added to bills not paid within 20 days of issuance. This ONE-TIME 3 percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.

Combined Metering: Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

Residential Class includes single-family homes, duplexes, and individually-metered condominiums, apartment buildings, and mobile home parks.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****General Service – Metered – Multifamily Residential**

Monthly Service Charges:

5/8 - inch meter:	\$ 9.80	3 - inch meter:	\$ 68.00
3/4 - inch meter:	\$ 9.80	4 - inch meter:	\$ 104.00
1 - inch meter:	\$ 15.90	6 - inch meter:	\$ 188.00
1 1/4 - inch meter:	\$ 21.55	8 - inch meter:	\$ 286.00
1 1/2 - inch meter:	\$ 27.05	10 - inch meter:	\$ 417.00
2 - inch meter:	\$ 41.00	12 - inch meter:	\$ 547.00

Plus Volume Charges:

First	400,000	gallons used each month:	\$3.26 per 1,000 gallons
Over	400,000	gallons used each month:	\$2.46 per 1,000 gallons

Billing: Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3 percent but not less than 50 cents will be added to bills not paid within 20 days of issuance. This ONE-TIME 3 percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.

Combined Metering: Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

Multifamily Residential Class includes master-metered multifamily dwelling units such as condominiums, apartment buildings, and mobile home parks.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****General Service – Metered - Nonresidential**

Monthly Service Charges:

5/8 - inch meter:	\$ 9.80	3 - inch meter:	\$ 68.00
3/4 - inch meter:	\$ 9.80	4 - inch meter:	\$ 104.00
1 - inch meter:	\$ 15.90	6 - inch meter:	\$ 188.00
1 1/4 - inch meter:	\$ 21.55	8 - inch meter:	\$ 286.00
1 1/2 - inch meter:	\$ 27.05	10 - inch meter:	\$ 417.00
2 - inch meter:	\$ 41.00	12 - inch meter:	\$ 547.00

Plus Volume Charges:

First	400,000	gallons used each month:	\$3.26 per 1,000 gallons
Over	400,000	gallons used each month:	\$2.46 per 1,000 gallons

Billing: Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3 percent but not less than 50 cents will be added to bills not paid within 20 days of issuance. This ONE-TIME 3 percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin. Code ch. PSC 185.

Combined Metering: Volumetric meter readings will be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and shall not be combined for billing. This requirement does not preclude the utility from combining readings when metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.

Nonresidential Class includes commercial, industrial, and public authority customers. Commercial customers include business entities and institutions, except governmental entities, that provide goods or services. Churches and parochial schools are not governmental and are classified as commercial. Industrial customers include customers who are engaged in the manufacture or production of goods. Public Authority customers include any department, agency, or entity of local, state, or federal government, including public schools, colleges, and universities.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Additional Meter Rental Charge**

Upon request, the utility shall furnish and install additional meters to:

- A. Water service customers for the purpose of measuring the volume of water used that is not discharged into the sanitary sewer system; and
- B. Sewerage service customers who are not customers of the water utility for the purpose of determining the volume of sewage that is discharged into the sanitary sewer system.

The utility shall charge a meter installation charge of \$35.00 and a monthly rental fee for the use of this additional meter.

Monthly Additional Meter Rental Charges:

$\frac{5}{8}$ - inch meter:	\$ 4.90
$\frac{3}{4}$ - inch meter:	\$ 4.90
1 - inch meter:	\$ 7.95
1 $\frac{1}{4}$ - inch meter:	\$ 10.78
1 $\frac{1}{2}$ - inch meter:	\$ 13.53
2 - inch meter:	\$ 20.50

This schedule applies only if the additional meter is installed on the same service lateral as the primary meter and either:

- A. The additional meter is $\frac{3}{4}$ -inch or smaller if the metering configuration is the Addition Method; or
- B. The additional meter is 2-inch or smaller for all other metering configurations.

If the additional meter is larger than 2-inch or larger than $\frac{3}{4}$ -inch and installed in the Addition Method, each meter shall be treated as a separate account and Schedule Mg-1R rates shall apply.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Other Charges

Payment Not Honored by Financial Institution Charge: The utility shall assess a \$25.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may not be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Public Service

Metered Service

Water used by the City of Whitewater on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1NR.

Unmetered Service

Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Schedule Mg-1NR, excluding any service charges.

Billing: Same as Schedule Mg-1NR.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****General Water Service - Unmetered**

Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 3,000 gallons of water monthly under Schedule Mg-1R, including the service charge for a $\frac{5}{8}$ -inch meter. If the utility determines that actual usage exceeds 3,000 gallons of water monthly, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1R.

This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1R.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Seasonal Service

Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Schedules Mg-1R, Mg-1MF, or Mg-1NR year-round, including the period of temporary disconnection.

Seasonal service shall include customers taking service under Schedules Mg-1R, Mg-1MF, Mg-1NR, Schedule Ug-1, or Schedule Am-1.

Upon reconnection, the utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.

Billing: Same as Schedule Mg-1R, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility**

Bulk Water

All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.

Bulk water sales are:

- A. Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
- B. Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or,
- C. Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.

A service charge of \$35.00 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1R. In addition, for meters that are assigned to bulk water customers for more than 7 days, the applicable service charge in Schedule Mg-1R will apply after the first 7 days.

The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Reconnection Charges

The utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. A utility may not assess a charge for disconnecting a customer.

During normal business hours: \$35.00

After normal business hours: \$80.00

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Water Lateral Installation Charge
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The utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision development or otherwise recovered under Wis. Stats. Chapter 66.

Billing: Same as Schedule Mg-1R.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Compliance with Rules

All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

Establishment of Service

Application for water service may be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.

Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.

No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.

Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Reconnection of Service

Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See Schedule R-1 for the applicable rate.

A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.

If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.

Temporary Metered Service, Meter, and Deposits

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule BW-1 for the applicable rate.

Water for Construction

When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.

Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Use of Hydrants

In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.

Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

Operation of Valves and Hydrants and Unauthorized Use of Water - Penalty

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

Refunds of Monetary Deposits

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

Service Laterals

No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least 6 inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Service Laterals (continued)

All water service laterals shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Replacement and Repair of Service Laterals

The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.

If an owner fails to repair a leaking or broken service lateral from the curb to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owner by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Abandonment of Service

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

Charges for Water Wasted Due to Leaks

See Wis. Admin. Code § PSC 185.35 or Schedule X-4, if applicable.

Thawing Frozen Service Laterals

See Wis. Admin. Code § PSC 185.88 or Schedule X-4, if applicable.

Curb Stop Boxes

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Installation of Meters

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see Schedule Am-1 for rates.

Repairs to Meters

Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

Service Piping for Meter Settings

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

Turning on Water

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.

Sprinkling Restrictions and Emergency Water Conditions

Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such may result in disconnection of service.

See Wis. Admin. Code § PSC 185.37.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Failure to Read Meters

Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

See Wis. Admin. Code § PSC 185.33.

Complaint Meter Tests

See Wis. Admin. Code § PSC 185.77.

Inspection of Premises

During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

See Wis. Stat. § 196.171.

Vacation of Premises

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" in Schedule X-1 for further information.

Deposits for Residential Service

See Wis. Admin. Code § PSC 185.36.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Water Utility Operating Rules

Deposits for Nonresidential Service

See Wis. Admin. Code § PSC 185.361.

Deferred Payment Agreement

See Wis. Admin. Code § PSC 185.38 or Schedule X-4, if applicable.

Dispute Procedures

See Wis. Admin. Code § PSC 185.39.

Disconnection and Refusal of Service

See Wis. Admin. Code § PSC 185.37.

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for water utility service and your previous unpaid balance.

You have 10 days to pay the water utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears or fail to contact us within the 10 days allowed to make reasonable deferred payment arrangement or other suitable arrangement, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Water Utility Operating Rules

Disconnection and Refusal of Service (continued)

DISCONNECTION NOTICE (continued)

PLEASE CALL THIS TELEPHONE NUMBER, (telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your water utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision: If there is an existing medical emergency in your home and you furnish the water utility with a statement signed by either a licensed Wisconsin physician or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements: If you are a residential customer and you are unable to pay the full amount of the water utility service arrears on your bill, you may contact the water utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future water utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

(WATER UTILITY NAME)

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Collection of Overdue Bills

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0809.

Surreptitious Use of Water

When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:

- A. The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.
- B. The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.
- C. The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

See Wis. Stat. §§ 98.26 and 943.20.

Repairs to Mains

The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

See Wis. Admin. Code § PSC 185.87.

Duty of Water Utility with Respect to Safety of the Public

It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.

Public Service Commission of Wisconsin**Whitewater Municipal Water Utility****Water Utility Operating Rules**Handling Water Mains and Service Laterals in Excavation Trenches

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding 6 hours.

Protective Devices

- A. Protective Devices in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- B. Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.
- C. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

Cross-Connections

Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.

See Wis. Admin. Code § NR 811.06.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph A.
 - 2. Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

Public Service Commission of Wisconsin

Whitewater Municipal Water Utility

Water Main Installations in Platted Subdivisions

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

Whitewater Municipal Water Utility
Customer Water Bill Comparison at Present and Proposed Rates

Customer Type	Meter Size	Volume (1000 Gallons)	<u>Monthly</u>			<u>Monthly Including Public Fire Protection</u>		
			Bills at Old Rates	Bills at New Rates	Percent Change	Bills at Old Rates	Bills at New Rates	Percent Change
Small Residential	3/4"	2	\$ 13.10	\$ 15.76	20.31%	\$ 21.49	\$ 27.84	29.55%
Average Residential	3/4"	3	\$ 16.16	\$ 19.74	22.15%	\$ 24.55	\$ 31.82	29.61%
Large Residential	3/4"	10	\$ 37.58	\$ 47.60	26.66%	\$ 45.97	\$ 59.68	29.82%
Large Residential	1"	250	\$ 777.53	\$ 1,008.90	29.76%	\$ 798.43	\$ 1,039.05	30.14%
Large Residential	1"	500	\$ 1,542.53	\$ 2,003.90	29.91%	\$ 1,563.43	\$ 2,034.05	30.10%
Multifamily Residential	2"	200	\$ 537.00	\$ 693.00	29.05%	\$ 604.00	\$ 790.00	30.79%
Multifamily Residential	2"	500	\$ 1,227.00	\$ 1,591.00	29.67%	\$ 1,294.00	\$ 1,688.00	30.45%
Multifamily Residential	2"	1,300	\$ 2,747.00	\$ 3,559.00	29.56%	\$ 2,814.00	\$ 3,656.00	29.92%
Multifamily Residential	3"	250	\$ 686.00	\$ 883.00	28.72%	\$ 812.00	\$ 1,064.00	31.03%
Commercial	2"	100	\$ 287.00	\$ 367.00	27.87%	\$ 354.00	\$ 464.00	31.07%
Commercial	2"	175	\$ 474.50	\$ 611.50	28.87%	\$ 541.50	\$ 708.50	30.84%
Commercial	2"	220	\$ 587.00	\$ 758.20	29.17%	\$ 654.00	\$ 855.20	30.76%
Commercial	2"	880	\$ 1,949.00	\$ 2,525.80	29.59%	\$ 2,016.00	\$ 2,622.80	30.10%
Industrial	2"	640	\$ 1,493.00	\$ 1,935.40	29.63%	\$ 1,560.00	\$ 2,032.40	30.28%
Industrial	3"	160	\$ 461.00	\$ 589.60	27.90%	\$ 587.00	\$ 770.60	31.28%
Industrial	3"	250	\$ 686.00	\$ 883.00	28.72%	\$ 812.00	\$ 1,064.00	31.03%
Industrial	8"	39,000	\$ 74,605.00	\$ 96,546.00	29.41%	\$ 75,276.00	\$ 97,512.00	29.54%
Public Authority	3"	800	\$ 1,821.00	\$ 2,356.00	29.38%	\$ 1,947.00	\$ 2,537.00	30.30%
Public Authority	3"	850	\$ 1,916.00	\$ 2,479.00	29.38%	\$ 2,042.00	\$ 2,660.00	30.26%
Public Authority	3"	1,300	\$ 2,771.00	\$ 3,586.00	29.41%	\$ 2,897.00	\$ 3,767.00	30.03%
Public Authority	4"	3,300	\$ 6,605.00	\$ 8,542.00	29.33%	\$ 6,815.00	\$ 8,844.00	29.77%

Department / Group:	DPW - Water	Need Group:	Core
Affected Dept.:	DPW - Water		
Project Title:	Water Tower - New		
Department Priority:	1		
Description & Scope:	Build new water tower next to Well 9.		
Purpose & Need:	The new water tower will replace the reservoir and water tower in Starin Park, each over 100 year old. The reservoir will be decommissioned and razed. The Starin Park water tower will be decommissioned but not razed. The tuckpointing of the stonework at the Starin Park tower is a separate proposed project. The new water tower will help store and provide adequate fire protection along with adequate pressure for residents.		
Impact on Future Operating Budget:	There should be no noticeable change in future operating budgets.		
External Funding Sources Available:	CDBG money. ARPA money possible.		

Project Cost Summary

Expenditure Category	Expenditure Fund	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27-31	Total
610-61652-350	610	3,015,000						3,015,000
								-
								-
								-
								-
								-
Subtotal		3,015,000	-	-	-	-	-	3,015,000

Funding Source Summary

Payer Group	Funding Source	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27-31	Total
Water	Internal Loan	851,866						851,866
Water	Grant	427,634						427,634
TID 10	Rev Debt: Bond	215,250						215,250
TID 11	Rev Debt: Bond	215,250						215,250
TID 13	Rev Debt: Bond	648,750						648,750
TID 14	Rev Debt: Note	648,750						648,750
Water	Grant	7,500						7,500
								-
Subtotal		3,015,000	-	-	-	-	-	3,015,000

City of Whitewater
Capital Improvement Program
F.Y. 2022 - 2031

Initiative Type: Capital

ALTERNATIVES: What options exist vs. this request? Why is this option being chosen?

A new water tower needs to be built to replace the 120+ year old tower at Starin Park.





Finance Committee Agenda Item

Meeting Date: February 7, 2023

Agenda Item: Property Tax rescission – Anchor Bible Church

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

BACKGROUND

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

Property taxes are levied annually on all non-exempt property. As parcels change hands and become exempt, there is a process to change their designation through a form to be filed with the City and shared with the Assessor to be updated on the tax rolls.

/HA 00008 was sold to Anchor Bible Church in May 2021, the exemption form was completed and submitted to the City, but not shared with the Assessor. As the Assessor was not aware of the need to change the tax status of the parcel, a tax bill was issued for 2022.

Once the tax is levied, it must be paid. The City will need to pay the bill, then submit forms to the Department of Revenue to recover the payment through a rescission process.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

n/a

FINANCIAL IMPACT

(If none, state N/A)

The City's payment of the tax bill will be recovered through the rescission process.

STAFF RECOMMENDATION

Move to approve the rescission as presented.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. /HA 00008 Tax bill for 2022
2. Rescission resolution

**RESOLUTION RESCINDING PROPERTY TAX CONCERNING ANCHOR BIBLE
CHURCH TAX ID NUMBER /HA 00008**

WHEREAS, the property of Anchor Bible Church was inadvertently assessed a real estate tax for the 2022 tax year on Tax Parcel ID Number /HA 00008, and

WHEREAS, the assessment was made in error because the property is exempt from taxation, and

WHEREAS, it is appropriate to correct said error under the procedures set forth in Wisconsin Statute 74.33(1)(c).

Now, therefore, **BE IT RESOLVED** that the City of Whitewater hereby rescinds the real estate tax assessed to Anchor Bible Church Tax Parcel ID Number /HA 00008.

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

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

John Weidl, City Manager

Michele R. Smith, City Clerk



Finance Committee Agenda Item

Meeting Date:	February 7, 2023
Agenda Item:	2022 Budget Amendment 2
Staff Contact (name, email, phone):	Steve Hatton, shatton@whitewater-wi.gov , 262-473-1380

BACKGROUND

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

Budgets provide an estimate of anticipated Revenues and Expenditures for planning purposes. Budget values also provide a point of reference to help ensure anticipated revenues are realized and anticipated expenditures are not exceeded. As assumptions used to set budget values change and unbudgeted actions are approved by Council, the budget values must also be updated to properly reflect the new assumptions/actions and to provide a meaningful point of reference to measure performance.

The following amendments to the 2022 Budget have been identified for approval and are highlighted on the attached schedule:

The General Fund fiscal 2022 year is currently estimated to end the year with a \$500,000 surplus of revenues over expenditures. This is largely driven by staffing costs falling below budget due to vacancies and higher than estimated revenues (Room Tax and Interest). We have traditionally evaluated how a portion of year-end surpluses may be used to provision for future needs that will reduce demands on future budgets and one-time expenses. The following transfers have been identified for closeout of the 2022 fiscal year.

Targeted Transfers of 2022 Surplus	Targeted Transfer 2023	Budgeted Transfer 2023A	Est. 2023 Fund Balance 2023A	Proposed 2022 Transfer 2023A	Comment
260 - Sick Leave Severance Fund	55,000	55,000	(18,888)	18,888	Correct projected 2023 deficit fund balance
216 - PD Vehicle Fund	60,000	38,270	13,923	21,730	Achieve target 2023 funding
217 - Building Repair Fund	25,000	15,000	34,419	10,000	Achieve target 2023 funding
280 - Street Maintenance Fund	185,000	8,035	137,819	176,965	Achieve target 2023 funding
214 - Elections Fund	25,000	25,000	(5,926)	5,926	Correct deficit fund balance
220 - Library Fund	485,000	470,000	427,117	15,000	Achieve target 2023 funding
450 - Projects Fund	50,000	-	53,887	46,491	Effigy Mounds, Strategic Planning, Cyber Security
295 - PD Trust	-	-	101,673	5,000	Immigration Legal support
	1,512,000	1,418,180		300,000	

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- 11/16/2021 2022 Budget adopted by Common Council
- 6/21/2022 2022 Budget Amendment #1 adopted by Common Council

FINANCIAL IMPACT

(If none, state N/A)

Approval of proposed transfers will reduce the anticipated General Fund surplus. An estimated \$200,000 surplus will remain within the General Fund to increase the unassigned Fund Balance.

STAFF RECOMMENDATION

Move approval of 2022 Budget Amendment # 2 as attached.

ATTACHMENT(S) INCLUDED (If none, state N/A)
--

1. 2022 Budget Amendment #2.pdf
-

2022

BUDGET AMENDMENT RESOLUTION NO 2

WHEREAS, the Common Council of the City of Whitewater adopted a Budget Resolution for 2022 on November 16, 2021, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, anticipated revenues and expenditures are anticipated to result in a surplus for the 2022 fiscal year;

AND WHEREAS, assigning a portion of the anticipated surplus for future needs is consistent with sound financial planning;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following changes to budgeted revenues and expenditures are authorized:

Targeted Transfers of 2022 Surplus	Targeted Transfer 2023	Budgeted Transfer 2023A	Est. 2023 Fund Balance 2023A	Proposed 2022 Transfer 2023A	Comment
260 - Sick Leave Severance Fund	55,000	55,000	(18,888)	18,888	Correct projected 2023 deficit fund balance
216 - PD Vehicle Fund	60,000	38,270	13,923	21,730	Achieve target 2023 funding
217 - Building Repair Fund	25,000	15,000	34,419	10,000	Achieve target 2023 funding
280 - Street Maintenance Fund	185,000	8,035	137,819	176,965	Achieve target 2023 funding
214 - Elections Fund	25,000	25,000	(5,926)	5,926	Correct deficit fund balance
220 - Library Fund	485,000	470,000	427,117	15,000	Achieve target 2023 funding
450 - Projects Fund	50,000	-	53,887	46,491	Effigy Mounds, Strategic Planning, Cyber Security
295 - PD Trust	-	-	101,673	5,000	Immigration Legal support
	1,512,000	1,418,180		300,000	

IT IS FURTHER RESOLVED that no changes are made to the tax levy as originally made, and these changes represent shifts in income or expenditures actually experienced or anticipated.

Resolution introduced by Councilmember _____ who moved its adoption. Seconded by: _____.

AYES: _____ NOES: _____ ABSENT: _____

ADOPTED: _____ City Manager
_____ City Clerk

**RESOLUTION ENDING THE USE OF THE CITY OF WHITEWATER EMPLOYEE
MANUAL IN CITY OF WHITEWATER GOVERNMENT**

WHEREAS, on or about May 4, 2010 the City of Whitewater Common Council adopted a Whitewater Employee Manual, and

WHEREAS, on February 7, 2023 the City of Whitewater repealed the adoption of the City of Whitewater Employee Manual, and

WHEREAS, the City Council seeks to further clarify that its action repealing said ordinance and this resolution provide that the City of Whitewater Employee Manual has no legal effect in City of Whitewater Government,

NOW THEREFORE, BE IT RESOLVED as follows:

1. On and after February 8, 2023, the City of Whitewater Employee Manual is withdrawn and said document has no legal effect in City of Whitewater Government.

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

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Michele R. Smith, City Clerk

ORDINANCE No. _____
AN ORDINANCE REPEALING SECTION 2.70.010 – CITY OF WHITEWATER
EMPLOYEE MANUAL

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

Section 1. Whitewater Municipal Code Section 2.70.010 – The City of Whitewater Employee Manual is hereby repealed.

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

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Michele R. Smith, City Clerk



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: UTV/ATV Ordinance Review

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

BACKGROUND

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

Under the current ordinance, All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) are permitted to operate on City owned streets within Jefferson County. According to the ordinance, the Public Works Committee was to monitor Jefferson County's review of the County ordinance and provide the city council with a report on Jefferson County's findings and actions no later than March 1, 2023.

Attached is the Jefferson County's Highway Committee Report to the full County Board. By unanimous consensus, the Highway Committee recommended to leave the ordinance in place without any adjustments at this time. The County Board discussed this item at their November 15, 2022. While minutes from this meeting are not available, a Highway Engineer for the County informed the City that the Board decided to keep the ordinance in effect as recommended by the Highway Committee.

Additionally, it has been requested that with the review of the current City ordinance that the Council consider allowing UTV/ATV's on all city streets that are in Walworth County also. Walworth County does not have a countywide ordinance pertaining to UTV/ATV's, but is leaving it up to each jurisdiction.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In November 2021, the City Council adopted Chapter 11.45-Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) Allowed, of the Municipal Code. The Public Works Committee discussed this at their January 10, 2023 meeting and asked for the matter to be brought to the full Council. No recommendation was made as the Committee asked for representation from the DNR to be at the Council meeting to answer questions.

FINANCIAL IMPACT

(If none, state N/A)

None at this time.

STAFF RECOMMENDATION

From the Public Works perspective, staff does not see an issue with the continuation of UTV/ATV's on city streets in Jefferson County. From the Public Works perspective, staff does not have a recommendation for extending the use of UTV/ATV's to city streets in Walworth County. The Police Department is opposed to allowing UTV/ATV on all City streets due to safety concerns.

Depending on the discussion during the Council meeting, staff foresees three recommendations:

1. Repeal the existing ordinance
2. Affirm and keep the existing ordinance as is

-
3. Amend the existing ordinance to include Walworth County City streets and bring back to Council for action

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|---|
| <ol style="list-style-type: none">1. Jefferson County Ordinance2. City of Whitewater Ordinance3. Jefferson County Highway Committee Report4. Police Comments5. 2022 WDNR Off Highway Vehicle Fatal Accident Summary |
|---|
-

ORDINANCE NO. 2021-01

Jefferson County - All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) Route Ordinance

Section 1 - General

Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to sections 59.02 and 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV operation, which is hereby incorporated and adopted.

Section 2 - Applicability and Enforcement

The provisions of this Ordinance shall apply to all county highways within the jurisdiction of Jefferson County and the provisions of this ordinance shall be enforced by the Jefferson County Sheriff's Office.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.

Section 3 - Limitations

The following limitations apply on all areas designated in this Ordinance:

Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface.

ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

ATV/UTV operators are required to have applicable liability insurance.

ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

ATVs/UTVs may not be operated on any county highway route without fully functional headlights, taillights, and brake lights.

ATVs/UTVs may not be operated on any county highway route between the hours of 10:00 p.m. and 5:00 a.m.

No person may operate an ATV/UTV on any county highway route without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in section 23.33(12) Wis. Stats.

Section 4 - ATV/UTV Routes

County highway routes designated for ATV/UTV use shall be established and approved by the Jefferson County Highway Committee. Any modification to the routes designated for ATV/UTV use shall be approved by the Jefferson County Highway Committee.

The routes designated as an ATV/UTV vehicle route shall be as follows: All County Highways within Jefferson County jurisdiction.

The Jefferson County Highway Committee shall have the authority to suspend operation on any County Highway route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the Jefferson County website.

No County highway segment may be designated as an ATV/UTV vehicle route if it is located within a City or Village which has jurisdictional responsibility for that segment without City or Village permission.

Section 5 - Route Signs

All initial required route signs will be installed and maintained by the Jefferson County Highway Department.

All signs shall be in compliance with the Federal Manual on Uniform Traffic Control Devices (MUTCD).

No person may erect or, remove any official designated route sign unless authorized by the Jefferson County Highway Department in writing.

No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section 6 - Penalties

This Ordinance shall be enforced by the Jefferson County Sheriff's Office or any law enforcement official as set forth in section 23.33(12) Wis. Stats., including the issuance of a citation under section 66.0113 Wis. Stats.

The penalties set forth in section 23.33(13)(a) Wis. Stats., are adopted and incorporated by reference herein.

Section 7 - Severability

Should any sub-section, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

Section 8 - Maintenance

Designation of segments of the Jefferson County Highway System as ATV/UTV routes does not impose upon the Jefferson County Highway Department a greater duty of care or responsibility

for maintenance of those segments than for any other segment of county highway. Operators of ATV/UTVs on county highways assume all the usual and normal risks of ATV/UTV operation.

Section 9 - Effective Date

This Ordinance shall be effective upon enactment and publication.

Section 10 – Highway Committee Review

This Ordinance shall be reviewed in its entirety before November 30, 2022 by the Jefferson County Highway Committee giving due consideration to the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks since the enactment of this ordinance to make a finding whether or not the benefits of continuing this ordinance outweigh repealing this ordinance. Such findings shall be forwarded to the Jefferson County Board of Supervisors as a Communication which will include any recommended amendments. Any findings and recommendations by the Highway Committee shall be made following consultation with the Jefferson County Sheriff's Office and the Jefferson County Highway Commissioner.

Fiscal Note: Adoption of the Ordinance could have a potential cost impact for signage required by the MUTCD. The cost of the signage would be initially borne by the Highway Department.

Voice Vote – Passed

/s/ Steven Nass

Steven Nass, County Board Chair

ATTEST:

/s/ Audrey McGraw

Audrey McGraw, County Clerk

Published this 23rd day of April 2021.

Referred By:
Highway Committee

04-20-21

REVIEWED: County Administrator: BPW; Corporation Counsel: jbw; Finance Director: 

Chapter 11.45 - OPERATION OF ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV) ALLOWED

Sections:

11.45.010 - General.

This chapter is enacted pursuant to Wis. Stats. §§ 62.11 (5) and 23.33 and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operation, which is hereby adopted and incorporated herein.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.020 - Applicability and enforcement.

The provisions of this chapter shall apply to all streets, roads and highways, hereinafter at times referred to as city streets, in the City of Whitewater, Jefferson County, Wisconsin (except city streets located within the boundaries of the University of Wisconsin—Whitewater campus) and the provisions of this chapter shall be enforced by the City of Whitewater Police Department.

Adoption of this chapter shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this chapter.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.030 - Limitations.

The following limitations apply to all areas of operation designated in this chapter:

- (1) Operators and passengers of ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, Wis. Stats. § 23.33 and Wisconsin Administrative Code NR 64.
- (2) This chapter incorporates by reference all definitions under Wis. Stats. § 23.33 and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this chapter states otherwise.
- (3) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.
- (4) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.
- (5) ATVs/UTVs operators are required to have applicable liability insurance.
- (6) ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.
- (7)

ATVs/UTVs may not be operated on any city street without fully functional headlights, taillights and brake lights.

- (8) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.
- (9) No person may operate an ATV/UTV on any city street without a valid driver's license and shall display the license on demand from any law enforcement officer or official described in Wis. Stats. § 23.33 (12).
- (10) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a Jefferson County highway, or from a Jefferson County highway to a specific destination in the City of Whitewater, Jefferson County, Wisconsin. Operating ATV/UTV vehicles on city streets for other purposes is prohibited.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.040 - Routes.

- (a) Any modification to the routes designated for ATV/UTV use shall be approved by the common council.
- (b) The routes designated as an ATV/UTV vehicle route shall be as follows: streets, roads and highways in the City of Whitewater, Jefferson County, Wisconsin (excluding city streets located within the boundaries of the University of Wisconsin—Whitewater campus).
- (c) The city manager or his or her designee shall have the authority to suspend operation on any route or segment thereof due to hazards, construction, emergency conditions, road damage or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the City of Whitewater website.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.050 - Route signs.

- (a) All initial route signs will be installed and maintained by the City of Whitewater Public Works Department in cooperation with the Jefferson County Highway Department.
- (b) No person may erect or remove any official designated route sign unless authorized by the City of Whitewater Public Works Department in writing.
- (c) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.060 - Penalties.

(a) This chapter shall be enforced by the City of Whitewater Police Department, or any other law enforcement official as set forth in Wis. Stats. § 23.33(12), including the issuance of citations under Wis. Stats. § 66.0113.

(b) The penalties set forth in Wis. Stats. § 23.33(13)(a) are adopted and incorporated by reference herein.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.070 - Severability.

Should any subsection, clause or provision of this chapter be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this chapter as a whole or any part thereof, other than the part declared invalid.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.080 - Maintenance.

Designation of City of Whitewater streets and roads as ATV/UTV routes does not impose upon the City of Whitewater a greater duty of care or responsibility for maintenance of those segments than that required for any other street or road. Operators of ATV/UTVs on city streets assume all the usual and normal risks of ATV/UTV operation.

(Ord. No. 2031A, § 1, 11-2-2021)

11.45.090 - Council review.

This chapter is enacted to operate in conjunction with Jefferson County Ordinance number 2021-01. Jefferson County will begin a review process of its ordinance on November 30, 2022 for the purpose of determining if Jefferson County's experience with its ordinance has been positive. The City of Whitewater Public Works Committee shall monitor Jefferson County's review process and provide the city council with a report on Jefferson County's findings and actions no later than March 1, 2023.

(Ord. No. 2031A, § 1, 11-2-2021)

October 25, 2022

Highway Committee Report

Subject: Jefferson County All-Terrain (ATV) and Utility-Terrain Vehicle (UTV) Route Ordinance

Background: Jefferson County Board passed the ATV/UTV Ordinance on April 20, 2021. The ordinance allowed ATV/UTV vehicles to utilize Jefferson County Highways in Jefferson County within limitations stated in the ordinance. The Ordinance stated a review of the recreation and economic benefits should be completed against any possible dangers including safety and health effects. Any findings and recommendations by the Highway Committee should be forwarded to the County Board as a communication by November 30, 2022.

Review/Comments

Traffic Safety Committee Information (Highway/Sheriff's Departments) – ATV/UTV Ordinance

The Traffic Safety Commission has placed this on the agenda numerous times since the Ordinance passed on April 20, 2021. The comments from the committee were mostly about educating the public on the ordinance, and discussing how the Ordinance affected local municipalities that did not have roads open to ATV's.

The Highway Department and Sheriff's Department have discussed the Ordinance numerous times since the Ordinance passed, including input at most of the Traffic Safety Committee meetings. There have been very few issues from the Ordinance, with most of the discussion centering on the initial posting of the Ordinance and questions regarding the details of the Ordinance.

Highway Committee Review

The Highway Committee discussed the ATV/UTV Ordinance for County Highways at the October 25, 2022 Highway Committee meeting. The Committee discussed general information regarding the Ordinance including the feedback from the Traffic Safety Commission. The Committee also discussed the adoption of similar ordinances from the majority of local government (Towns, Villages, Cities) agencies in Jefferson County. The unanimous consensus of the Committee was to leave the ordinance in-place without any adjustments at this time.

Respectfully submitted,

George Jaeckel

George Jaeckel, Chairman
Jefferson County Highway Committee

Brad Marquardt

From: Adam Vander Steeg
Sent: Tuesday, January 10, 2023 8:43 AM
To: Dan Meyer; Brad Marquardt
Cc: David Gempler
Subject: RE: ATV/UTV

Greetings Brad,

I'm opposed as well to the ATV/UTV's being allowed city wide. Enforcement wise, it really creates a loophole for people to operate one on the city streets without holding a valid driver's license (safety Certificate only required if born after 01/01/1988), which is a big concern in Whitewater over the past year. It allows for people who hold no license, or that are revoked or suspended to operate on the streets. Additionally, with ATV/UTV's, insurance laws are not mandatory, open intoxicants in a motor vehicle won't apply, and the OWI penalty is a DNR violation, which is a significantly reduced penalty vs rules of the road everyone else needs to comply with. Definitely a concern considering the high density student population Whitewater has coupled with alcohol/drug related incidents.

Lastly, as Chief stated, safety would be my biggest concern. ATV/UTV's just don't have the same safety features as a vehicle in regards to restraints, airbags, impact protection, etc. Crashes are going to happen if allowed on the streets and even at slower speeds could cause significant injury or death due to the limited protection they offer. With ATV/UTV's not requiring insurance, this could create a huge financial impact when an accident with injuries does occur.

Thanks,
Adam

Adam Vander Steeg
Administrative Captain
Whitewater Police Department
312 W. Whitewater Street
Whitewater, WI 53190
Dispatch (262) 473-0555
Desk Phone (262) 473-1372
Fax (262) 222-5909
AVanderSteeg@whitewater-wi.gov



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From: Dan Meyer <DMeyer@whitewater-wi.gov>
Sent: Monday, January 9, 2023 3:36 PM
To: Brad Marquardt <BMarquardt@whitewater-wi.gov>

Cc: Adam Vander Steeg <AVanderSteeg@whitewater-wi.gov>; David Gempler <DGempler@whitewater-wi.gov>

Subject: RE: ATV/UTV

Brad,

Attached is the ATV/UTV info that was included in the council packet last fall.

Adam and Dave, feel free to add in any thoughts you have, but from a law enforcement perspective I am opposed to ATV/UTVs being allowed city-wide due to the safety concerns. I feel the same way about ATV/UTVs as I do with golf carts. I just think the safety risks outweigh any potential upside.

I'm sorry we won't be able to attend the meeting at 6pm as we have the patrol testing at the same time. I think it may be worthwhile having a rep from the DNR in to speak on DNR violations/enforcement if the council wants in-depth info on DNR violations as this is simply something that our officers do not deal with on a typical basis. Otherwise it's going to take some research to speak intelligently about it.

Dan

Daniel A. Meyer

Chief of Police

Whitewater Police Department

312 W. Whitewater St.

Whitewater, WI 53190

262-473-1371 (P)

262-222-5909 (F)

dmeyer@whitewater-wi.gov



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From: Brad Marquardt <BMarquardt@whitewater-wi.gov>

Sent: Monday, January 9, 2023 3:15 PM

To: Dan Meyer <DMeyer@whitewater-wi.gov>

Cc: Adam Vander Steeg <AVanderSteeg@whitewater-wi.gov>; David Gempler <DGempler@whitewater-wi.gov>

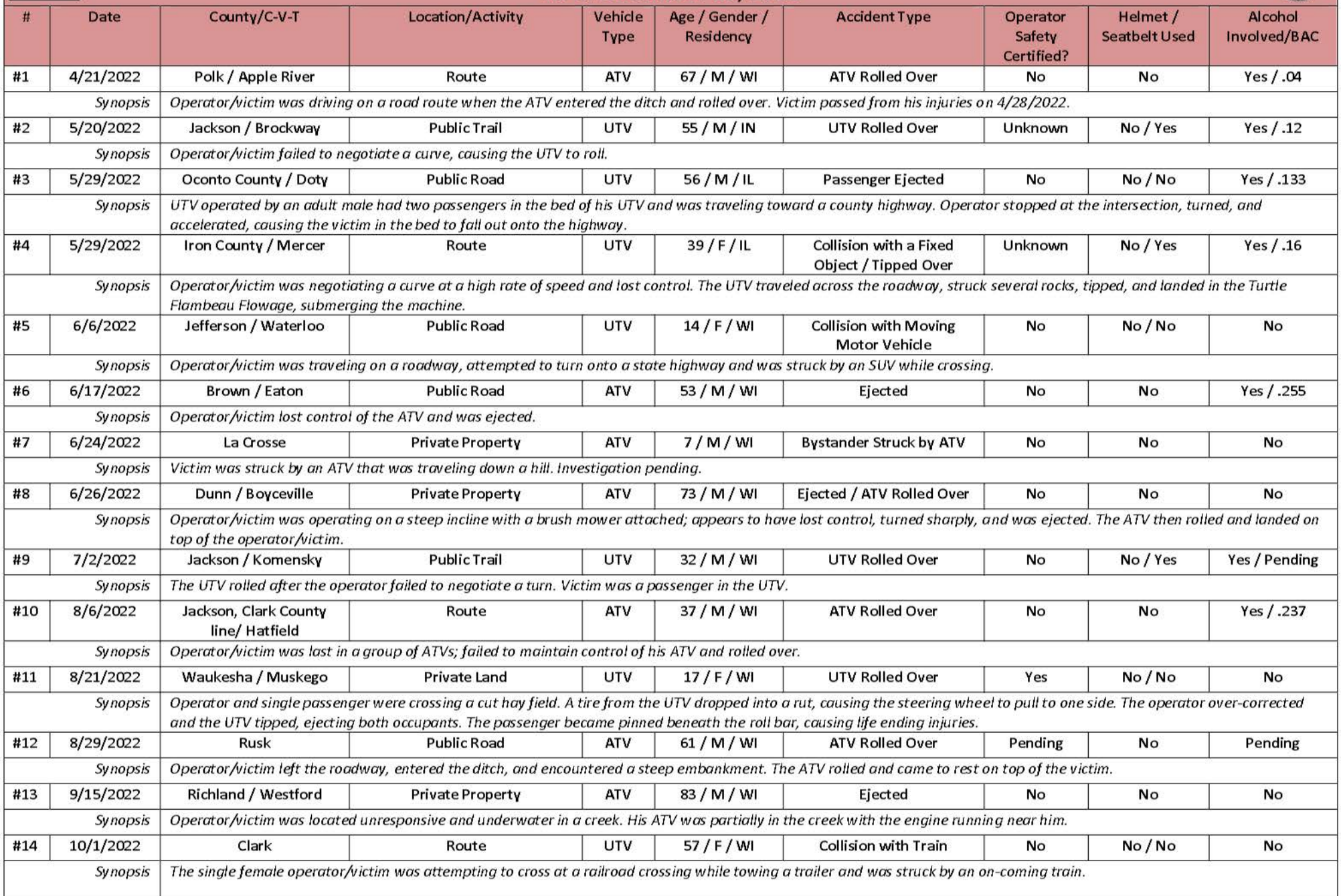
Subject: FW: ATV/UTV

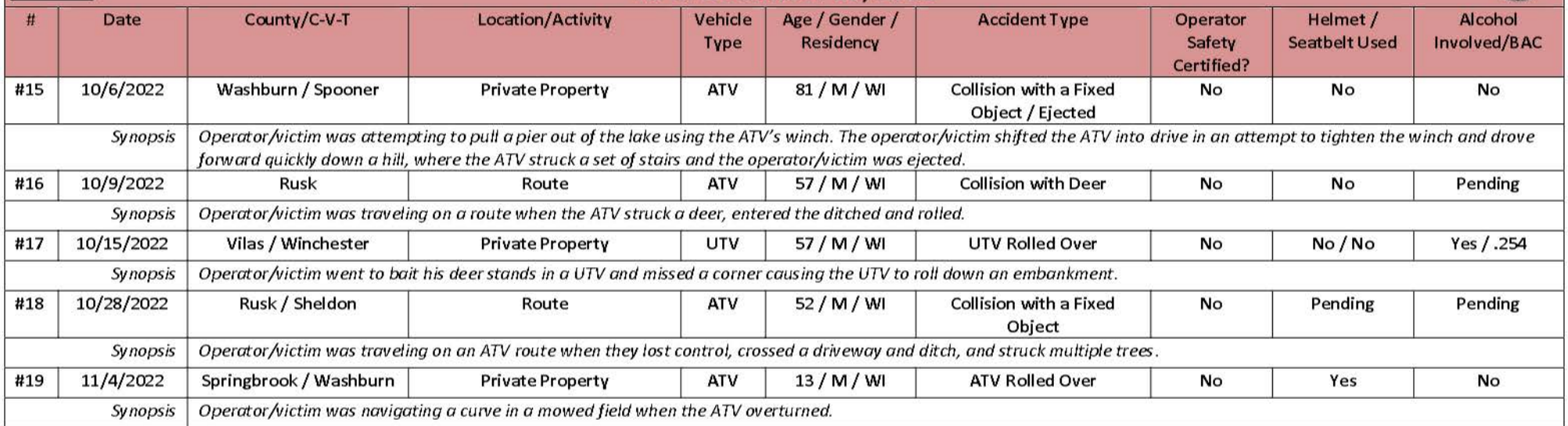
Dan,

Here is the email request from Jill. In addition to the information you provided council, can I get some PD thoughts on UTV/ATV citywide? Again the meeting is Tuesday night at 6:00. If not, I will tell the committee that comments will be provided in the council packet.

Thank you.

Brad Marquardt





		Policy 102.01 Policy Governance			
Owner:	City Manager	Approving Position:	City Manager	Pages:	6
Issue Date:	12/22/2011	Revision Date:	11/2022	Review Date:	06/11/2022
Special Instructions:					

I. Policy

The City shall establish policies to ensure City practices are considered and disciplined. Policies are to be supported by Guidelines, Procedures and Job Aides as appropriate to ensure they are understood and effective. These elements shall be contained in a policy document that is:

- A. reviewed and updated periodically
- B. stored in a central electronic repository

The Common Council must approve all changes to policy language unless otherwise delegated to the City Manager. The City Manager is empowered to oversee and approve supporting sections of Policy documents to ensure effective implementation of council approved policy. Changes to any section of a Policy document that create a significant financial impact to the City must be presented to and approved by the Common Council.

II. Policy Owners

- A. The City Manager shall designate a Policy Owner for each Policy Document.
- B. The Policy Owner will be responsible to:
 1. ensure that Guidelines, **Definitions**, Procedures and Job Aid sections support the Policy requirements,
 2. coordinate the review, development and maintenance of their respective policy documents,
 3. obtain approval for changes, as appropriate, based on types of changes within document,
 4. communicate document changes to affected staff as they are approved/published,
 5. provide training to ensure Policy document requirements are understood.

- C. Policy Owners shall consult with managers of affected departments and incorporate best practices, where appropriate, when revising policy documents.
- D. Policy Owner Listing
 - 1. The Finance and Administrative Services Director shall maintain a listing of Policy Owners assigned by the City Manager.
 - 2. This listing shall be maintained and published within a designated electronic repository.

III. Policy Standards

- A. The Policy section is broad in nature to provide guiding concepts to define expectations of the Common Council.
- B. Policy language is drafted by the Policy Owner and endorsed by the City Manager before being brought to the Common Council for approval.
- C. Only the Policy section requires Common Council approval. All lower-level sections are managed and approved by staff unless those lower-level changes create a significant financial impact on the City. ~~Any Policy document change that creates a significant financial impact on the City must be presented to and approved by the Common Council.~~

IV. Guidelines

- A. The Guideline section defines scope to be addressed within the Procedures and lower sections of each policy document.
- B. Guidelines are drafted by the Policy Owner and are approved by the City Manager to ensure Policies established by the Common Council are adequately addressed within procedures
- C. ~~The City Manager must establish and approve changes to Guideline language for all Policies.~~

V. Definitions

Definitions should be provided for terms and acronyms used within each policy document to ensure that the reader can interpret policy documents effectively.

VI. Procedures

- A. The Procedure section details the activities/actions provided by the department - what is to be done.
- B. Procedures are drafted and approved by the Policy Owner in an effort to ensure Policy and Guideline requirements are covered in enough detail such that line employees have adequate definition of what is to be done.
- C. Individual procedures should be numbered and organized in a logical fashion.

VII. Reporting

- A. The Reporting level details reporting requirements of the policy section to include:
 - 1. External reporting requirements - Detailed listing of reporting requirements and timelines.
 - a. Report Name and description
 - b. County/State/Regulatory Agency
 - c. Submission deadline(s)
 - d. Department and Position responsible to complete
- B. Internal reporting requirements - Metrics to monitor health and efficiency of department/services detailed in Policy. This section should meet the City Manager's needs to evaluate effectiveness, efficiency and compliance requirements of activity addressed in Policy document.

VIII. Job Aids

- A. Job Aids are used to provide specific step-by-step instructions on how to complete tasks addressed by Procedures using tools in place.
- B. Job Aids can include templates, forms, etc. as needed. They are to be referenced as appropriate in sections 1-4, avoiding the need to embed within the body of the earlier sections of the document.
- C. As the Policy documents are all stored electronically – Job Aids can be inserted as an embedded object, picture or hyperlink to a storage location.

IX. Electronic Review/Approval (Accessible to Policy Owners)

- A. Workflows Changes to Policy Language
 - 1. Changes to Policy language are coordinated by the Policy Owner.
 - 2. Proposed changes for City Council consideration should detail the need that exists, describe the impact of the change and recommended language that meets the need.
 - 3. The Policy Owner will circulate the policy change request to Department Leaders to solicit input.
 - 4. Once input has been received, the Policy Owner will present the requested changes to the City Manager along with draft Guidelines for review and approval before advancing to a scheduled meeting of the Common Council for consideration. Common Council meeting minutes will evidence approval of changes to Policy language.
 - 5. Once Policy language changes are approved, Policy Owners are to update published Policy Documents with approved changes and amend all downstream **Definitions**, Procedures, Reporting, and Job Aid sections as needed to maintain compliance with Policy language.

6. Policy Owners shall complete required updates in a timely manner and electronically publish the updated documents for all staff in the designated document repository.
- B. Changes to Guidelines, Definitions, Processes, Procedures and Reporting
 1. Assigned Policy Owners shall be responsible to review, draft changes as needed, and gain approval of any changes to policy document sections that do not alter Policy or Guideline language.
 - a. Immaterial Changes
 - 1) Corrections to grammar or spelling and other minor changes intended to clarify a procedural requirement do not require circulation for review or approval; however, all changes must be clearly identified through versioning and comments.
 - 2) Policy owners must be diligent in ensuring that clarifying changes do not alter the actions, criteria, or requirements of the procedure. If there is any doubt as to the effect of clarifying statements the procedure should be routed using the procedure described below.
 - b. Material Changes
 - 1) Review Process: The Policy Owner proposing changes to their assigned Policy Document(s) shall consult and solicit input from:
 - a) Department Leaders affected by the proposed change,
 - b) Subject matter experts (Professional associations / Trade Groups etc.) as appropriate to ensure best practices are evaluated,
 - c) City Attorney, when appropriate.
 - 2) This review process should allow up to 10 business days for feedback. Any Policy Owner that does not respond to the request for feedback before due date waives the right to propose input.
 - 3) Approval Process: Once the review process has been completed and all input has been incorporated into the document, Policy Owner shall document approval as follows:
 - a) Guidelines: require the approval of the City Manager,
 - b) Definitions, Procedures, Reporting, and Job Aids are approved by the Policy Owner.
 2. The updated Policy Document shall be reviewed with the City Manager prior to publishing.
 - a. Newly approved versions should include an issue date in the header of the document to differentiate versions as they change.

- b. The City Clerk is to be notified of changes as they are approved and published.
- c. Policy Owners shall communicate approved changes and provide training as appropriate to affected staff.

X. Policy Document Storage

- A. A shared network drive is intended to become the central document repository. Staff can refer to this drive to access currently approved policy documents.
- B. Archive versions will be maintained in a designated electronic repository. The existing body of City Policy material will be migrated to this platform.
- C. Policy documents shall be maintained electronically in a format accessible to all staff.
- D. Document layout, formatting and storage of the Policy Documents shall be consistent with policy document standards.
- E. The Finance and Administrative Services Director shall be responsible to ensure these duties are completed in a timely manner at the direction of the City Manager.

XII. Electronic Review and Approval

- A. An electronic Review and Approval process has been developed to streamline the review and approval of proposed changes utilizing defined workflows within a designated electronic repository.
- B. Periodic reviews and review/approval of proposed changes shall utilize these workflows.
- C. Policy Owners are responsible to preserve historical versions of their Policy Documents through the use of a designated electronic repository through the use of versioning functionality.
- D. Versioning functionality shall be used to preserve an organizational record of changes over time.

XII. Annual Review and Certification of Policy Documents

- A. Each Policy Owner shall review their assigned Policy documents on three to five-year cycle as determined for each policy document. The goal of this review is to ensure policy documents remain responsive to changes in the community, tools used, and evolving practices within the public/private sectors.
- B. Upon completion of the review, the Policy Owner shall certify that:
 - 1. requirements set out by the Policy and Guidelines are met by the subsequent sections of their Policy Documents;
 - 2. Policy Documents are complete, meet policy document standards, accurate to actual practice/tools in use;

3. The latest approved policy documents are published to the document repository;
4. affected staff members have been notified and trained on any changes.



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: MRAP Vehicle Disposition Update

Staff Contact (name, email, phone): Dan Meyer
dmeyer@whitewater-wi.gov
262-473-1371

BACKGROUND

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

New Information:

The City of Cudahy Police Department has been selected by the U.S. Department of Defense Law Enforcement Support Office (LESO) as the department that will take possession of the MRAP. The City of Cudahy's Council has approved the acquisition of the MRAP. The transfer will be at no cost and will occur as soon as is feasible if the transfer is formally approved by the City of Whitewater Common Council.

Our Department previously installed equipment on the MRAP to make it serviceable to include LED lights, rifle racks, shotgun rack, and a siren box. It was determined that the preference of both our Department and the Cudahy PD is to keep those items installed on the MRAP, and request reimbursement from Cudahy PD using the attached invoice for \$969.94. The equipment listed in the invoice was initially purchased using funds from the Department's Crime Prevention fund and/or Seizure Fund, and the request is to deposit the money back into the Department's Crime Prevention fund.

Previous Information:

In July of 2019, the Police Department received an MRAP (Mine Resistant Ambush Protected) vehicle at no cost through the U.S. Department of Defense Law Enforcement Support Office (LESO) also known as the "1033 Program." This is the only equipment WPD currently has through this program. All sworn police department personnel have been trained in the operation of the MRAP. The MRAP has been deployed by the department in support of law enforcement operations during the 2020 riots in Kenosha and on one call for service in Whitewater involving a potentially barricaded suspect in possession of a firearm. Prior to 2023, law enforcement was not limited in the ways that they chose to deploy MRAP vehicles.

However, the Wisconsin LESO has informed law enforcement agencies that in order to remain in the LESO program, the Defense Logistics Agency Memo/Agreement (attached) outlined a number of requirements that will be in effect beginning January 1, 2023. Agencies that do not sign the agreement will be unable to requisition new property and will eventually need to turn in all active LESO equipment. The most notable changes impacting the PD are listed below:

- 1) MRAP Updates:** MRAP vehicles may now only be exclusively used for "*disaster-related emergencies; active shooter scenarios; hostage or other search and rescue operations; or anti-terrorism preparedness, protection, prevention, response, recovery, or relief.*" Search warrants are not included in the list of approved uses.

-
- 2) **Civilian Governing Body Approval:** In order to participate in the LESO program, law enforcement agencies must now receive annual approval from their Civilian Governing Board (Common Council).
 - 3) **Public Notice:** Agencies must annually post public notice regarding the type of new controlled equipment the agency intends to requisition through the LESO program. Public notice must be made at least 30 days prior to requisitioning property through the LESO program.
 - 4) **Training Requirements:** Agencies will be required to provide scenario-based training to personnel that combines constitutional and community policing principles with controlled property specific training. Personnel authorizing or directing the use of controlled property should have enhanced scenario-based training to examine, deliberate, and review the circumstances in which controlled property should or should not be used.

The PD has the following options that we are requesting be considered by Council:

- 1) Sign the Defense Logistics Agency Memo/Agreement and ensure we follow the constraints listed above in order to continue maintaining our MRAP.
- 2) Decline signing the Defense Logistics Agency Memo/Agreement and work toward transferring the MRAP out of our department. If this is the chosen plan of action, we have been informed the following process will occur:
 - a) LESO is notified that the PD wants the MRAP transferred out. LESO then puts out a “data call” nation-wide to see if any other department wants it. If another agency wants it, the PD will work with that agency to get it picked up and it transfer documentation would be completed through LESO.
 - b) If no other agency wants the MRAP, the PD would be responsible for getting the MRAP back to a specific military installation. We were informed that the cost of that process could be as much as \$10,000.

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

- | |
|--|
| 1. Council provided direction to decline signing the Defense Logistics Memo/Agreement and work toward transferring the MRAP out of our department. |
|--|

FINANCIAL IMPACT

(If none, state N/A)

Cudahy Police Department has agreed to pay Whitewater Police Department \$969.94 invoice for equipment that will remain installed on MRAP. No other costs are associated with the transfer to Cudahy PD.

STAFF RECOMMENDATION

Recommendation is to approve the transfer of MRAP to Cudahy Police Department as soon as feasible and to deposit the funds received into the Police Department’s Crime Prevention fund.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Invoice to Cudahy Police Department

2.

312 W Whitewater Street
Whitewater, WI 53190
Phone 262-473-0555 | Fax 262-222-5909

INVOICE

FOR Project M-ATV
P.O. # _____

Quantity	Description	Unit Price	Amount
2	Nilight LED Lights 12" 300W Triple Row Spot Flood Combo Work Driving Lamp with Wiring harness	\$56.99	\$113.98
2	Nilight LED Lights 12" 300W Triple Row Flood Spot Combo 30000LM Bar lights	\$29.00	\$58.00
1	Nilight LED Lights 37" 780W Triple Row Flood Spot Combo Bar 78000LM Driving light bar	\$79.00	\$79.00
2	SANTA Cruz SC-931-5-MS Rifle Racks	\$224.99	\$449.98
1	SANTA Cruz SC-931-5 Shotgun Rack	\$169.99	\$169.99
1	SoundAlert Police Siren Box	\$98.99	\$98.99
		Total	\$969.94

Make all checks payable to Whitewater Police Department.
Payment upon receipt.

If you have any questions concerning this invoice, Captain Adam Vander Steeg, 262-473-1372, avandersteeg@whitewater-wi.gov

THANK YOU FOR YOUR BUSINESS!

	Council Agenda Item
Meeting Date:	February 7, 2023
Agenda Item:	Body Worn Camera Grant Application
Staff Contact (name, email, phone):	Dan Meyer dmeyer@whitewater-wi.gov 262-473-1371

BACKGROUND

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

Police Department staff have applied for a Bureau of Justice Assistance (BJA) and Justice & Security Strategies (JSS) funding grant for body-worn cameras. This is a competitive micro-grant program that requires a one-to-one match for any funds awarded. Funds must be used to purchase body-worn cameras and may include expenses related to program implementation. The grant allows for the expansion of existing programs, and funding is capped at \$2,000 per camera. In order to be eligible, departments must fit the following criteria:

- 1) A department with less than 50 full-time sworn personnel
- 2) A rural agency (agency within non-urban or non-metro county)
- 3) All federally-recognized tribal law enforcement agencies

The grant application is due February 17, 2023. The application has already been submitted with a requested funding amount of \$30,000. The requested amount is based on our best guess as to the associated cost for the number of cameras we'll need to purchase (approximately 30 cameras).

Background Information:

Body-worn cameras are a critical tool for officers, but are also now an essential element of building and enhancing public trust. The Police Department has equipped officers with body-worn cameras since 2012, and was one of the first departments in the state to use them. Currently we use Axon body-worn cameras coupled with Axon's evidence.com cloud storage system. We are in the fifth year of our 5-year contract with Axon, and because of that, we are planning to submit a CIP request for body-worn cameras for the upcoming 2024-2025 budget cycle. We will begin the process of obtaining quotes from a variety of companies in the coming months.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

If awarded, the grant would provide up to \$30,000 of funding. A one-to-one match of City funding would be required.

STAFF RECOMMENDATION

Recommend approving Police Department staff to move forward with submission of the grant application.

ATTACHMENT(S) INCLUDED (If none, state N/A)
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1.



Common Council Agenda Item

Meeting Date:	February 7, 2023
Agenda Item:	C-5 – Update on Community Sustainability Survey (Neighborhood Services Director Request)
Staff Contact (name, email, phone):	Chris Bennett – cbennett@whitewater-wi.gov – (262) 473-0143

BACKGROUND

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

The city participated in the Community Sustainability Survey conducted by the Center for Land Use Education, College of Natural Resources, UW-Stevens Point and the Extension, UW-Madison. Its purpose is to assess the work of local governments throughout Wisconsin that are currently engaged in sustainability programs. The reports summarize certain areas of emphasis and highlights topics where action is being taken.

The first few pages summarize the information in the survey and findings. The remaining pages show the results by category of several matrix questions.

Whitewater is one of 37 cities that participated in the survey. Page six of the survey shows the top and bottom 10 actions engaged in or not engaged in by responding communities.

Of the top 10, Whitewater does –

- Include requirements in comprehensive and/or other plans for intergovernmental coordination
- Establish minimum shoreland setback standards along lakes and rivers
- Zoning code includes mixed use districts
- Develop and promote programs that dispose of household hazardous, medical, & electronic waste
- Identify key green infrastructure areas during plan development and/or implement a plan to acquire and protect key green infrastructure areas
- Include ecological provisions in the comprehensive plan that explicitly aim to minimize open space fragmentation and/or establish a growth area with expansion criteria
- Develop a regular street sweeping program to reduce total suspended solids
- Mandatory residential curbside recycling pickup that covers paper, metal cans, glass and plastic bottles

Of the top 10, Whitewater does not –

- Implement strategies that help increase fresh food access in the community, in areas with food insecurity including access by EBT and WIC participants
- Produce/distribute route maps, signage or a web site for bicycle and pedestrian paths and trails

Of the bottom 10, Whitewater does –

- Create a local food production district
 - Conduct a Community Food System Assessment
-

Of the bottom 10, Whitewater does not –

- Ban idling (more than 5 minutes) community-wide
- Create a local food production district
- Ordinances in place to reduce the usage of phone books as well as single-use shopping bags, Styrofoam food containers and other disposable packaging
- Require large employers seeking rezoning to provide a TDM plan that would reduce trips by 20 percent over business as usual
- Require large employers seeking rezoning to provide subsidized transit
- Conduct annual survey of students' mode of transport to school
- Conduct annual survey of students' mode of transport to school
- Document that the local school bus fleet has optimized routes, start times, boundaries, vehicle efficiency and fuels, driver actions to cut costs including idling reduction, and shifting students from the bus to walking, biking and city transit
- Conduct a Community Food System Assessment
- Require an environmental justice assessment for any new municipal policies or infrastructure projects

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS
--

(Dates, committees, action taken)

There is no action required. This presentation is for your information.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Community Sustainability Survey
-

Community Sustainability Survey

Preliminary Results

January 2022

Center for Land Use Education

Authored by: Anna Haines and Michael Kluz



Center for Land Use Education
College of Natural Resources
University of Wisconsin-Stevens Point



Extension
UNIVERSITY OF WISCONSIN-MADISON



WICCI
WISCONSIN INITIATIVE ON
CLIMATE CHANGE IMPACTS



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The Survey Purpose and Method

This survey was developed to assess the work of Wisconsin local governments currently engaged with established sustainability programs. This report summarizes areas where emphasis has been placed as well as topics where actions have not been taken.

We developed a list of local governments that were involved in one or more programs that focused on sustainability, for example, Green Tier Legacy Communities, Energy Independent Communities, and Eco-Municipalities. A total of 153 local governments including counties, cities, villages, towns, and tribes were identified.

Our engagement with the identified local governments, consisted of development and distribution of a survey questionnaire that had 14 sections. Each section was designed as a matrix question with a list of sub-questions for each section. There was a total of about 220 sub-questions.

The questionnaire was sent in September of 2022, with one reminder email following a few weeks later.

Survey Results - General

The survey received an overall response rate of 52.94% with 81 local governments responding. The highest number of respondents on any single question was 64 respondents.

Table 1 displays the types and number of local governments that responded to our survey. Local governments which are categorized as “City” represented the highest number of respondents.

Though included, no tribal governments responded. Based upon discussions with this audience, the platform may have been a barrier. Tribal participants indicated they tried to participate but could not get the Qualtrics link to open on their computers.

Table 1: Local Government Types

	Number Sent the Survey	Number of Respondents	Percent of LG Type Responding	Percent of Total Respondents
Tribes	7	0	0	0
Town	13	6	46.15%	7.41%
Village	26	12	46.15%	14.81%
City	70	37	52.86%	45.68%
County	37	26	70.27%	32.10%
Total	153	81	--	52.94%

Key Results – Top Ten and Bottom Ten

In this section of the report, we have chosen to separate the most common areas of action, from those that have had none to minimal actions. This ranking is raw data that represents actual actions undertaken by the local governments and does not necessarily indicate priorities or disinterest in topics.

Top Ten Actions

Most local governments that responded to this survey have undertaken actions in these areas:

86% - Include requirements in comprehensive and/or other plans for intergovernmental coordination

82% - Establish minimum shoreland setback standards along lakes and rivers

80% - Zoning code includes mixed use districts

71% - Develop and promote programs that dispose of household hazardous, medical, & electronic waste

67% - Produce/distribute route maps, signage or a web site for bicycle and pedestrian paths and trails

66% - Identify key green infrastructure areas during plan development and/or implement a plan to acquire and protect key green infrastructure areas

61% - Include ecological provisions in the comprehensive plan that explicitly aim to minimize open space fragmentation and/or establish a growth area with expansion criteria

58% - Develop a regular street sweeping program to reduce total suspended solids

57% - Mandatory residential curbside recycling pickup that covers paper, metal cans, glass and plastic bottles

57% - Implement strategies that help increase fresh food access in the community, in areas with food insecurity including access by EBT and WIC participants

Bottom Ten Actions

Most local governments that responded to this survey have not taken actions in these areas:

0% - Ban idling (more than 5 minutes) community-wide

0% - Create a local food production district

0% - Ordinances in place to reduce the usage of phone books as well as single-use shopping bags, Styrofoam food containers and other disposable packaging

0% - Require large employers seeking rezoning to provide a TDM plan that would reduce trips by 20 percent over business as usual

0% - Require large employers seeking rezoning to provide subsidized transit

1.82% - Conduct annual survey of students' mode of transport to school

1.82% - Conduct annual survey of students' mode of transport to school

1.82% - Document that the local school bus fleet has optimized routes, start times, boundaries, vehicle efficiency and fuels, driver actions to cut costs including idling reduction, and shifting students from the bus to walking, biking and city transit

1.85% - Conduct a Community Food System Assessment

1.92% - Require an environmental justice assessment for any new municipal policies or infrastructure projects

Key Results by Category

This section provides key results of the practices from each category that received 50% and higher responses. If a category did not receive any results higher than 50%, the highest response below 50% was included.

Comprehensive Planning

- Include requirements in comprehensive and/or other plans for **intergovernmental coordination** (such as addressing regional land use and watershed/wellhead impacts, infrastructure, transportation, economic development and city/regional services) (86%)
- Identify key **green infrastructure** areas during plan development and/or implement a plan to acquire and protect key green infrastructure areas (66%)
- Include **ecological provisions** in the comprehensive plan that explicitly aim to minimize open space fragmentation and/or establish a growth area with expansion criteria (61%)
- Develop a **Natural Hazard Mitigation Plan** (NHMP) (52%)
- Add **health policies** in 1 or more of the local government plans, such as the comprehensive plan, long-range transportation plan, bicycle/pedestrian plan and open spaces recreation plan (embedded or stand-alone chapter) or develop a comprehensive, community wide wellness plan (53%)

Community Sustainability

- Planning with a Purpose: Conduct a community visioning and planning initiative that **engages a diverse set of community members** & stakeholders and uses a sustainability, resilience, or environmental justice framework (38%)

Energy

- **Install a public sector/ municipally owned renewable energy** technology, such as solar electric (PV), wind, biomass, solar hot water/air, micro-hydro (46%)

Climate Adaptation and Resilience

- **Protect water supply and wastewater treatment facilities** to reduce physical damage and sustain their function during extreme weather events (48%)

Health

- **Provide recreation programs** for youth, adults, senior citizens and disabled persons (53%)
- Adopt an ordinance, including conditional use permits, on **noise abatement** for various zoning districts (51%)

Transportation

- **Produce/distribute route maps**, signage or a web site for bicycle and pedestrian paths and trails (67%)

Green Business Development

- Conduct or participate in a **buy local campaign** for community members and local businesses (32%)

Local Food

- Implement strategies that help **increase fresh food access** in the community, in areas with food insecurity including access by EBT and WIC participants (57%)
- A **community or school garden**, orchard or forest (56%)
- Have a **local farmer's market** or co-op buying club (50%)

Local Government Administration

- Implement a **wellness program** for employees of the local government unit (54%)

Natural Resource Management

- Certification as **Tree City USA** (49%)

Waste Management

- Develop and promote programs that dispose of **household hazardous, medical, and electronic waste** (71%)
- Mandatory **residential curbside recycling** pickup that covers paper, metal cans, glass and plastic bottles (57%)

Water Management

- Develop a regular **street sweeping program** to reduce total suspended solids (58%)
- Adopt and implement guidelines or design standards/incentives for at least one of the following **stormwater infiltration/reuse practices**: Rain gardens/infiltration practices ; Rainwater harvesting practices ; Green alleys or green parking lots ; Pervious/permeable pavement or pavers ; Green roofs / green walls ; Tree trenches / tree boxes ; Incorporate compost and/or native plants into landscape design (52%)

Zoning and Development

- Establish **minimum shoreland setback standards** along lakes and rivers (82%)
- Zoning code includes **mixed use districts** (80%)
- Adopt zoning ordinances that allow for **infill housing development** (51%)

Survey Results by Category

Comprehensive Plans

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding comprehensive planning...”:

Types of Plans

	Yes		No		Do Not Know		Not Applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Develop a Natural Hazard Mitigation Plan (NHMP)	33	52.38	17	26.98	11	17.46	2	3.17	63
Create and implement a Sustainability Plan	22	34.92	32	50.79	6	9.52	2	3.17	63
Create and implement an Energy Action Plan	9	14.29	40	63.49	10	15.87	3	4.76	63
Create and implement a climate change action plan (CAP)	8	12.70	44	69.84	6	9.52	4	6.35	63
Create a food systems plan	2	3.17	36	57.14	16	25.40	8	12.70	63

Climate and Hazard Mitigation Topics

	Yes		No		Do Not Know		Not Applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Implement hazard mitigation projects to address identified risks in the hazard mitigation plan (e.g., flood mitigation, tree planting for heat reduction)	28	44.44	20	31.75	10	15.87	5	7.94	63
Include transportation recommendations such as becoming an EV-ready city in a planning document	28	44.44	27	42.86	3	4.76	4	6.35	63
Integrate hazard mitigation considerations and investments into community infrastructure plans	27	42.86	17	26.98	16	25.40	2	3.17	63
Adopt climate mitigation and/or energy independence goals and objectives in the comprehensive plan or in a separate policy document	26	41.27	28	44.44	6	9.52	2	3.17	63
Include climate projections in NHMP	10	15.87	27	42.86	17	29.98	8	12.70	63

Social Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Add health policies in 1 or more of the LG plans, such as the comprehensive plan, long-range transportation plan, bicycle/pedestrian plan and open spaces recreation plan (embedded or stand-alone chapter) or develop a comprehensive, community wide wellness plan	34	53.13	21	32.81	7	10.94	2	3.13	64
Incorporate environmental justice implications and opportunities in planning and zoning documents or in a community	16	25.40	35	55.56	6	9.52	5	7.94	63

Environmental Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Identify key green infrastructure areas during plan development and/or implement a plan to acquire and protect key green infrastructure areas	42	65.63	11	17.19	7	10.94	3	4.69	64
Include ecological provisions in the comprehensive plan that explicitly aim to minimize open space fragmentation and/or establish a growth area with expansion criteria	38	61.29	17	27.42	5	8.06	1	1.61	62

Miscellaneous Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Include requirements in comprehensive and/or other plans for intergovernmental coordination (such as addressing regional land use and watershed/wellhead impacts, infrastructure, transportation, economic development and city/regional services)	54	85.71	2	3.17	5	7.94	2	3.17	63

Site schools in the Comprehensive Plan for accessibility with existing or new bicycle and pedestrian infrastructure	25	39.06	18	28.13	11	17.19	9	14.06	64
Encourage the formation and/or support of Neighborhood Improvement Districts (NIDs), Neighborhood Development Corporations, or other similar types of neighborhood reinvestment and enhancement strategies in plans or policies	19	30.16	23	36.51	9	14.29	11	17.46	63

Community Sustainability

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding community sustainability...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Planning with a Purpose: Conduct a community visioning and planning initiative that engages a diverse set of community members & stakeholders and uses a sustainability, resilience, or environmental justice framework	21	35.59	29	49.15	5	8.47	4	6.78	59
Establish an external sustainability team to include participation from community members, especially underserved and/or traditionally marginalized residents	14	23.73	34	57.63	8	13.56	3	5.08	59
Establish an internal sustainability team, made up of staff from different departments as relevant, to coordinate local government sustainability initiatives	14	23.73	37	62.71	4	6.78	4	6.78	59
Create a local sustainability action website/webpage and/or social media page	11	18.64	39	66.10	5	8.47	4	6.78	59
Public Education for Action: Conduct or support a broad sustainability education and action campaign, building on existing city & community relationships, networks & events	12	20.34	32	54.24	9	15.25	6	10.17	59

Energy

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding energy management...”:

Local Government Programs and Regulations

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Create or participate in a marketing/outreach/incentive program to promote/ achieve residential energy/ water use reduction and energy efficiency	23	38.33	23	38.33	12	20.00	2	3.33	60
Adopt wind energy and/or biomass ordinances that allow, enable or encourage appropriate renewable energy installations	22	36.67	30	50.00	4	6.67	4	6.67	60
Adopt PACE ordinance	12	20.00	22	36.67	21	35.00	5	8.33	60
Use PACE financing	12	20.00	22	36.67	22	36.67	4	6.67	60
Participate in a solar group buy program	12	20.00	38	63.33	9	15.00	1	1.67	60
Develop community wide programs that promote energy efficiency among homeowners, landlords, and businesses	11	18.33	34	56.67	11	18.33	3	5.00	60
Watt meters are available to the public	11	18.33	22	36.67	22	36.67	5	8.33	60
Integrate green building and EV charging best practices information and assistance into the building permit process	9	15.00	38	63.33	8	13.33	5	8.33	60
Achieve milestone reductions in GHG emissions, as specified in the community's science-based GHG reduction goals	6	10.00	42	70.00	7	11.67	4	6.67	60
Implement an energy rating/disclosure policy for residential and/or commercial buildings	3	5.00	41	68.33	8	13.33	7	11.67	60

Program Participation Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Attain SolSmart designation	11	18.33	39	65.00	7	11.67	2	3.33	60
Part of State of Wisconsin Energy Independent (EI) Community	10	16.95	30	50.85	12	20.34	6	10.17	59

Energy Infrastructure Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Install a public sector/ municipally owned renewable energy technology, such as solar electric (PV), wind, biomass, solar hot water/air, micro-hydro	28	46.67	26	43.33	3	5.00	2	3.33	60
Use LED/solar-powered lighting for a flashing sign or in a street, parking lot or park project	22	37.93	10	17.24	12	20.69	14	24.14	58
Stoplights are LED or functional equivalent	16	27.59	7	12.07	14	24.14	20	34.48	58
Streetlights operate at 75 lumens/Watt or higher	9	15.52	7	12.07	28	48.28	13	22.41	58

Partnering Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Provide (or partner with other community organizations to provide) programs for low-income homeowners and/or renters and privately-owned affordable housing owners to make energy efficiency improvements to their properties	24	40.00	23	38.33	10	16.67	2	3.33	60
Work with local utility providers to ensure that energy and water bills include household energy and water use statistics over time	17	28.81	27	45.76	9	15.25	5	8.47	59

Climate Adaptation and Resilience

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding climate adaptation and community resilience...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Protect public buildings and natural/constructed infrastructure to reduce physical damage and sustain their function during extreme weather events	28	48.28	16	27.59	11	18.97	3	5.17	58
Protect water supply and wastewater treatment facilities to reduce physical damage and sustain their function during extreme weather events	27	47.37	9	15.79	12	21.05	9	15.79	57
Prepare to maintain public health and safety during extreme weather and climate-change-related events, while also taking a preventive approach to reduce risk for community members	26	44.83	17	29.31	8	13.79	7	12.07	58
Integrate climate resilience into local government planning, policy, operations, and budgeting processes	16	27.59	31	53.45	7	12.07	4	6.90	58
Increase social connectedness through engagement, capacity building, public investment, and opportunities for economically vulnerable residents to improve their economic prosperity and resilience to climate change	16	27.59	28	48.28	9	15.52	5	8.62	58
Provide incentives, support programs, and/or educational resources for businesses, households, and landlords to make improvements to properties that reduce GHG emissions and/or improve household-level resiliency to climate change	11	18.97	32	55.17	10	17.24	5	8.62	58
Reduce the urban heat impacts of public buildings,	10	17.24	31	53.45	10	17.24	7	12.07	58

sites, and infrastructure and provide resiliency co-benefits									
Encourage private sector action and incentivize investment in preventive approaches that reduce risk and minimize impacts of extreme weather and the changing climate for human health and the built environment	9	15.79	31	54.39	13	22.81	4	7.02	57
Perform a climate vulnerability assessment	3	5.36	38	67.86	10	17.86	5	8.93	56

Health

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding healthy communities...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%			
Provide recreation programs for youth, adults, senior citizens and disabled persons	31	52.54	11	18.64	8	13.56	9	15.25	59
Adopt an ordinance, including conditional use permits, on noise abatement for various zoning districts	30	50.85	15	25.42	10	16.95	4	6.78	59
Provide education and establish programming to encourage physical activity, especially by youth	25	42.37	14	23.73	13	22.03	7	11.86	59
Adopt an ordinance or policy that promotes tobacco-free and e-cigarette free parks and/or public events on local government-owned property	17	28.81	21	35.59	17	28.81	4	6.78	59
Adopt an ordinance or policy that requires tobacco-free and e-cigarette free apartments or places limitations on such structures	14	23.73	21	35.59	18	30.51	6	10.17	59
Establish a pedestrian safety task force	12	20.69	25	43.10	12	20.69	9	15.52	58
Encourage or partner with others, such as the Chamber of Commerce, etc., to advance workplace wellness programs within the community	12	20.34	21	35.59	18	30.51	8	13.56	59
Use by policy, ordinance or practice, Crime Prevention Through Environmental Design and active threat planning to make public spaces, such as recreational space, crime free	11	18.64	26	44.07	16	27.12	6	10.17	59

Establish and implement Harm Reduction strategies for alcohol outlet density and sexual oriented establishments (e.g. zoning limitations)	10	16.95	28	47.46	14	23.73	7	11.86	59
Establish a Health Impact Assessments policy, including when an assessment is required and its scope	9	15.79	27	47.37	17	29.82	4	7.02	57

Transportation

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding transportation...”:

Bike and Ped Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Prepare a plan identifying disconnection in bike and pedestrian networks, prioritizing fixes and identifying potential funding sources for the most important projects	26	47.27	18	32.73	8	14.55	3	5.45	55
Identify and remedy street-trail gaps between city streets and off-road trails/bike trails to better facilitate walking and biking	24	45.28	16	30.19	6	11.32	7	13.21	53
Provide an on-street and/or off-street trail network connecting recreational areas in the community (e.g. safe routes to parks) and other trip generators, such as shopping malls, ensuring all neighborhoods are included in planning and implementation	23	41.28	15	27.27	9	16.36	8	14.55	55
Commuter bike routes identified and cleared	17	32.69	19	36.54	6	11.54	10	19.23	52
Encourage pedestrian and bicycle site connections from front door of businesses or apartments to a public sidewalk and/or bike lane ensuring connections to all neighborhoods	17	30.91	20	36.36	8	14.55	10	18.18	55
Set standards for placement and number (as function of intensity of use) for bike parking spaces	13	23.64	31	56.36	3	5.45	8	14.55	55
Be recognized as a Walk Friendly, Bicycle Friendly, or Age Friendly Community	12	21.82	27	49.09	9	16.36	7	12.73	55
Require bike parking for all new non-residential and multifamily uses	11	20.00	35	63.64	2	3.64	7	12.73	55
League of American Bicyclists certification	8	14.55	28	50.91	12	21.82	7	12.73	55

Transit and Shared Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Prominently identify mobility options: transit; paratransit/ Dial-A-Ride; ridesharing/cab services; rental cars; bikes; airports	19	34.55	17	30.91	8	14.55	11	20.00	55
Establish an expanded public transit that serves commuters from all neighborhoods and major parks and recreation facilities, and has racks on vehicles for carrying bicycles	13	24.07	17	31.48	7	12.96	17	31.48	54
Scheduled transit service at basic level (hour peak service within half-mile of 50 percent of addresses)	10	18.18	34	61.82	5	9.09	6	10.91	55
Promote carpooling or ridesharing among community members, city employees, businesses, high schools and institutions of higher education	8	14.55	27	49.09	10	18.18	10	18.18	55
Scheduled transit service at enhanced level (half-hour peak service within 75 percent of addresses)	6	11.11	19	35.19	9	16.67	20	37.04	54
Provide transit passes at 50 percent or more off the regular price and/or provide parking cash-out options for local government employees	2	3.64	27	49.09	10	18.18	16	29.09	55
Require large employers seeking rezoning to provide subsidized transit	0	0	40	72.73	3	5.45	12	21.82	55

School-Related Transportation

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Funded and operating Safe Routes To School program (or functional equivalent) covering at least 10 percent of students	14	25.45	16	29.09	13	23.64	12	21.82	55
Document that the local school bus fleet has optimized routes, start times, boundaries, vehicle efficiency and fuels, driver actions to cut costs including idling reduction, and shifting students from the bus to walking, biking and city transit	1	1.82	19	34.55	17	30.91	18	32.73	55
Conduct annual survey of students' mode of transport to school	1	1.82	26	47.27	19	34.55	9	16.36	55

EV-Related Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Provide public charging stations	17	30.91	30	54.55	4	7.27	4	7.27	55
Electric vehicles in local government fleets	11	20.00	34	61.82	5	9.09	5	9.09	55
Assess needs and develop a plan for deployment of public electric vehicle (EV) charging infrastructure	11	20.00	34	61.82	4	7.27	6	10.91	55
Create incentives and/or provide educational resources for existing commercial property owners to add EV infrastructure to existing parking facilities	8	14.55	34	61.82	6	10.91	7	12.73	55
Adopt policies that require EV infrastructure or EV-ready infrastructure in any new private development or significant redevelopment project	2	3.64	45	81.82	4	7.27	4	7.27	55

Road-Related Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%			
Produce/distribute route maps, signage or a web site for bicycle and pedestrian paths and trails	36	66.67	10	18.52	4	7.41	4	7.41	54
Develop and fully fund comprehensive maintenance program for existing roads	27	49.09	11	20.00	12	21.82	5	9.09	55
Implement traffic calming policy/measures, including lane conversions (road diets), roundabouts, low-speed streets, shared space and depaving, in at least one street redevelopment project	23	41.82	11	20.00	7	12.73	14	25.45	55
Any proposal to add lanes to a two-lane roadway shall be evaluated for a center turn lane, the preferred option over an expansion to four lanes	11	20.00	15	27.27	16	29.09	13	23.64	55
Track VMT or traffic counts and report on efforts at reduction	8	14.81	34	62.96	7	12.96	5	9.26	54
Implement a Complete Streets policy	8	14.55	25	45.45	11	20.00	11	20.00	55
Charge impact fees for new roads	8	14.55	25	45.45	12	21.82	10	18.18	55
Identify four-lane roadways with fewer than 20,000 vehicles per day (AADT) and evaluate them for "road diets" with bike lanes or on-street parking	7	12.73	16	29.09	16	29.09	16	29.09	55
Calculate lane-miles per capita for arterials and collectors, and show reductions	6	11.11	24	44.44	16	29.63	8	14.81	54

Miscellaneous Topics

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Calculate and track annual government fleet use of motor fuels, in gallons of petroleum and biofuels	24	43.64	15	27.27	9	16.36	7	12.73	55
Set parking maximums for office and retail uses	10	18.18	34	61.82	5	9.09	6	10.91	55
Ban idling (more than 5 minutes) with local government vehicles	6	10.91	34	61.82	10	18.18	5	9.09	55
Right-size/down-size the city fleet with the most fuel-efficient vehicles that are of an optimal size and capacity for their intended functions	6	10.91	28	50.91	12	21.82	9	16.36	55
Eliminate parking minimums from non-residential districts	3	5.54	37	67.27	6	10.91	9	16.36	55
Ban idling (more than 5 minutes) community-wide	0	0	39	70.91	8	14.55	8	14.55	55
Require large employers seeking rezoning to provide a TDM plan that would reduce trips by 20 percent over business as usual	0	0	39	70.91	4	7.27	12	21.82	55

Green Business Development

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding green business development...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Conduct or participate in a buy local campaign for community members and local businesses	17	31.48	19	35.19	8	14.81	10	18.52	54
Promote sustainable tourism in your local government unit, and green tourism resources to tourism and hospitality businesses in/around the local government unit	16	29.09	22	40.00	10	18.18	7	12.73	55
Create or participate in a marketing/outreach program to connect businesses with assistance providers, including utilities, who provide personalized energy, waste or sustainability audits and assistance	11	20.00	26	47.27	9	16.36	9	16.36	55
Lower the environmental footprint of a brownfield or a remediation/ redevelopment project beyond regulatory requirements	10	18.18	21	38.18	12	21.82	12	21.82	55
Grow new/emerging green businesses and green jobs through targeted assistance and new workforce development	7	12.73	25	45.45	13	23.64	10	18.18	55
Promote green businesses that are recognized under a local, regional or national program	8	14.55	30	54.55	6	10.91	11	20.00	55
Strengthen value-added businesses utilizing local "waste" material	5	9.09	32	58.18	9	16.36	9	16.36	55

Local Food

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding local food systems...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Implement strategies that help increase fresh food access in the community, in areas with food insecurity including access by EBT and WIC participants	30	56.60	12	22.64	3	5.66	8	15.09	53
A community or school garden, orchard or forest	30	55.56	9	16.67	6	11.11	9	16.67	54
Have a local farmer's market or co-op buying club	27	50.00	9	16.67	6	11.11	12	22.22	54
Create an agriculture and/or forest protection district	19	35.19	22	40.74	8	14.81	5	9.26	54
Create a community farmland preservation plan and/or promote farmland preservation programs	18	33.33	23	42.59	6	11.11	7	12.96	54
Facilitate creation of home/community gardens, chicken & bee keeping, and incorporation of food growing areas/access in multifamily residential developments	16	29.63	22	40.74	6	11.11	10	18.52	54
Have an urban agriculture business or a community-supported agriculture (CSA) arrangement between farmers and community members/employees	10	18.52	19	35.19	11	20.37	14	25.93	54
Measurably increase sales of local/organic/humane/equitable food in markets, retail food co-ops, rural grocery stores, urban convenience stores, food carts/trucks, hotels and restaurants	4	7.41	26	48.15	13	24.07	11	20.37	54

Implement performance standards for minor and major agricultural retail	4	7.41	34	62.96	8	14.81	8	14.81	54
Measurably increase purchasing of local/organic /humane/equitable foods by schools, hospitals, nursing homes and event centers	3	5.56	26	48.15	12	22.22	13	24.07	54
Promote the Healthy Corners Initiative	2	3.70	28	51.85	14	25.93	10	18.52	54
Conduct a Community Food System Assessment	1	1.85	27	50.00	16	29.63	10	18.52	54
Create a local food production district	0	0	39	72.22	8	14.81	7	12.96	54

Local Government Administration

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding local government administration...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Implement a wellness program for employees of the local government unit	28	53.85	16	30.77	4	7.69	4	7.69	52
Efficiently use your existing fleet of city vehicles by encouraging trip bundling, video conferencing, carpooling, vehicle sharing and incentives/technology	21	40.38	17	32.69	7	13.46	7	13.46	52
Ensure diversity on volunteer boards and commissions using the existing demographic makeup of the community as a target	17	32.69	18	34.62	12	23.08	5	9.62	52
Staff, municipal commission/council members, and/or volunteer board members attend regular diversity, equity, and inclusion (DEI) training as part of their service/employment	16	30.77	25	48.08	8	15.38	3	5.77	52
Pass a policy or resolution affirming the community’s commitment to equity as a key component of sustainability and the municipality’s mission, work, or actions	12	23.08	23	44.23	13	52.00	4	7.69	52
Require energy efficient, Dark-Sky compliant new or replacement outdoor lighting fixtures on city-owned and facilities	9	17.31	28	53.85	9	17.31	6	11.54	52
Train relevant municipal staff (e.g., public works, grounds and building maintenance) in principles of sustainability	9	17.31	25	48.08	14	26.92	4	7.69	52

Commit to achieving a science based GHG reduction goal for emissions resulting from all municipal operations	8	15.38	27	51.92	12	23.08	5	9.62	52
Complete EPA Energy Star Portfolio Manager spreadsheet for government energy use (Or score existing buildings with LEED EBO&M)	6	11.54	26	50.00	15	28.85	5	9.62	52
Establish a policy requiring that all major remodeling projects on municipal buildings result in the building receiving an ENERGY STAR score that is five points higher than the building's pre-remodel score	5	9.62	32	61.54	12	23.08	3	5.77	52
Develop or adopt a municipal sustainable purchasing policy that eliminates toxics, increases the use of recycled content, and builds or supports the low-carbon circular economy	4	7.69	32	61.54	12	23.08	4	7.69	52
All new and renovated municipal buildings must meet LEED Silver or greater	3	5.77	33	63.46	12	23.08	4	7.69	52
Municipal electricity purchases are at least 5 percentage points higher in renewable content than the statewide renewable portfolio standard requires (Calculation may include self-generated power and purchased offsets)	2	3.85	27	51.92	17	32.69	6	11.54	52
Adopt a resolution that promotes Health in All Policies at the community level (e.g., HEAL Resolution)	2	3.85	34	65.38	10	19.23	6	11.54	52
Include transportation energy/emissions as criterion in RFPs for purchases of goods over \$10,000	2	3.85	32	61.54	12	23.08	6	11.54	52

Establish policies requiring that all new municipal buildings achieve an ENERGY STAR score of 75 or higher	2	3.85	34	65.38	12	23.08	4	7.69	52
Incorporate energy use intensity (EUI) targets into the contracting process for all significant municipal construction projects	1	1.96	32	62.75	14	27.45	4	7.84	51
Require an environmental justice assessment for any new municipal policies or infrastructure projects	1	1.92	36	69.23	11	21.15	4	7.69	52

Natural Resource Management

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding natural resource management...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Certification as Tree City USA	24	48.98	9	18.37	5	10.20	11	22.45	49
Require trees to be planted in all new developments	20	40.82	20	40.82	3	6.12	6	12.24	49
Public properties and rights of way mown or cleared only for safe sightlines and/or to remove invasive species	20	40.82	16	32.65	8	16.33	5	10.20	49
Set a tree canopy goal and develop a management plan to achieve it	19	38.78	15	30.61	8	16.33	7	14.29	49
Have community tree canopy mapped	19	38.78	12	24.29	9	18.37	9	18.37	49
Certification as Bird City Wisconsin Community	18	36.73	12	24.49	9	18.37	10	20.41	49
Have a Master Naturalist; ISA Certified Arborist or WDNR Community Tree Management Institute (CTMI) graduate on staff	17	34.69	22	44.90	4	8.16	6	12.24	49
Adopt tree preservation ordinance	16	32.65	24	48.98	6	12.24	3	6.12	49
Develop a program to involve community members in hands-on land restoration, invasive species management, and stewardship projects	16	32.65	15	30.61	12	24.49	6	12.24	49
Support and protect wildlife through habitat rehabilitation, preservation and recognition programs	16	32.65	17	34.69	13	26.53	3	6.12	49

Preserve environmentally sensitive, community-valued land by placing a conservation easement on city lands, and by encouraging/funding private landowners to place land in conservation easements	9	18.75	21	43.75	9	18.75	9	18.75	48
Conduct a Natural Resource Inventory or Assessment (NRI or NRA); incorporate protection of priority natural systems or resources such as groundwater through the subdivision or development process	7	14.29	24	48.98	16	32.65	2	4.08	49
Create community policy and BMP guidelines on minimizing chemical use during vegetation management of public and private properties	6	12.24	22	44.90	15	30.61	6	12.24	49
Provide incentives for protection of green infrastructure, sensitive areas, important wildlife habitat, or for the restoration or rehabilitation of wetlands or other degraded habitats such as credit towards open space or set-aside requirements	6	12.24	29	59.18	7	14.29	7	14.29	49
For cities outside or on the fringe of metropolitan areas, conduct a build-out analysis, fiscal impact study, or adopt an urban growth boundary and a consistent capital improvement plan that provides long-term protection of natural resources and natural systems, and agricultural practices outside the boundary	5	10.20	15	30.61	7	14.29	22	44.90	49

For cities within metropolitan areas, incorporate woodland best management practices addressing protection of wooded areas into zoning or development review	4	7.84	14	27.45	8	15.69	25	49.02	51
Adopt a conservation design policy; use a conservation design tool for pre-design meetings with developers and for negotiating development agreements in cities with undeveloped natural resource areas	3	6.12	25	51.02	11	22.45	10	20.41	49

Waste Management

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding waste management and reduction...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Develop and promote programs that dispose of household hazardous, medical, and electronic waste	35	71.43	3	6.12	5	10.20	6	12.24	49
Mandatory residential curbside recycling pickup that covers paper, metal cans, glass and plastic bottles	28	57.14	7	14.29	5	10.20	9	18.37	49
Use public education and outreach to promote recycling, backyard composting, product re-use and waste reduction	22	44.90	15	30.61	6	12.24	6	12.24	49
Establish partnerships to reduce waste pharmaceuticals generated in the community and to efficiently collect remaining wastes to prevent their abuse and entry into solid waste or wastewater	21	42.86	13	26.53	9	18.37	6	12.24	49
Community waste stream monitored at least annually. Waste reduction plan prepared and updated annually	19	38.78	13	26.53	8	16.33	9	18.37	49
Develop a municipal collection program that encourages the diversion of food discards, yard materials, and other organics from landfills to composting or anaerobic digestion with energy recovery	17	34.69	18	36.73	5	10.20	9	18.37	49
Construction/deconstruction waste recycling ordinance	9	18.37	21	42.86	11	22.45	8	16.33	49

Implement municipal ordinances requiring manufacturer takeback for fluorescent bulbs, thermostats and other mercury-containing devices	5	10.20	22	44.90	11	22.45	11	22.45	49
Use anaerobic digesters to process organic waste and produce energy	5	10.20	26	53.06	10	20.41	8	16.33	49
Waste and materials management plan based on "zero-waste" principles, with specific goals, prepared and updated annually	5	10.20	21	42.86	14	28.57	9	18.37	49
Pay-as-you-throw system implemented by municipality or required of private waste haulers	1	2.04	25	51.02	13	26.53	10	20.41	49
Ordinances in place to reduce the usage of phone books as well as single-use shopping bags, Styrofoam food containers and other disposable packaging	0	0	29	59.18	8	16.33	12	24.49	49

Water Management

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding water management...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Develop a regular street sweeping program to reduce total suspended solids	26	57.78	0	0	8	17.78	11	24.44	45
Adopt and implement guidelines or design standards/incentives for at least one of the following stormwater infiltration/reuse practices: Rain gardens/infiltration practices ; Rainwater harvesting practices ; Green alleys or green parking lots ; Pervious/permeable pavement or pavers ; Green roofs / green walls ; Tree trenches / tree boxes ; Incorporate compost and/or native plants into landscape design	23	52.27	10	22.73	8	18.18	3	6.82	44
Track water and sewer use annually, and develop plan for reductions	21	44.68	6	12.77	9	19.15	11	23.40	47
Inventory wetlands and ensure no net annual loss	17	36.17	19	40.43	9	19.15	2	4.26	47
Upgrade water and wastewater utility equipment (e.g., variable frequency drive motors) to achieve energy efficiency based on total life cycle, triple bottom line costs (e.g. maintenance and replacement strategies in asset management plans)	16	35.56	2	4.44	16	35.56	11	24.44	45

Establish 75-foot natural vegetation zone by surface water	16	34.78	19	41.30	9	19.57	2	4.35	46
Financial assistance for sewer lateral replacements	12	26.67	9	20.00	14	31.11	10	22.22	45
Work with commercial or light industrial businesses to develop stormwater pollution plans	12	26.67	14	31.11	11	24.44	8	17.78	45
Conduct an energy assessment for municipal water and wastewater facilities and develop a plan to increase energy efficiency	11	24.44	8	17.78	15	33.33	11	24.44	45
Conduct seawall inspections in coastal & waterfront communities	10	22.73	2	4.55	4	9.09	28	63.64	44
Stormwater utility fees offer credits for best management practices such as rain barrels, rain gardens, and pervious paving	9	20.00	13	28.89	9	20.00	14	34.11	45
Inventory all paved surfaces (e.g., by GIS mapping), and develop a plan for reduction	8	17.78	15	33.33	13	28.89	9	20.00	45
Infiltration and inflow reduction by 10%	7	15.91	7	15.91	23	52.27	7	15.91	44
Replace concrete channels with re-meandered and naturalized creeks, wetlands, or swales	5	11.11	14	31.11	10	22.22	16	35.56	45
Use block rates and flat rates to encourage water conservation among residential, commercial, and industrial users	5	11.11	11	24.44	16	35.56	13	28.89	45
Develop and implement asset management plans that set targets for the sustainable maintenance, operation and renewal of water and wastewater infrastructure	5	11.11	12	26.67	21	46.67	7	15.56	45
Develop a system for identifying culverts that obstruct fish migration and install fish friendly culverts where needed	4	8.89	12	26.67	17	37.78	12	26.67	45

Develop a water loss control plan with targets below the 15% required by the state and include a system-wide water audit implementation and time table	4	8.89	6	13.33	24	53.33	11	24.44	45
Wastewater biogas captured and used in operations	3	6.67	16	35.56	13	28.89	13	28.89	45
Join EPA's WaterSense Program for water utilities or the Groundwater Guardian Green Sites program and promote them to local business	3	6.67	14	31.11	17	37.78	11	24.44	45
All outdoor watering by local government, excluding parks and golf courses, from rain collection	2	4.44	24	53.33	9	20.00	10	22.22	45
Develop a water efficiency and conservation plan for municipal buildings	2	4.44	21	46.67	17	37.78	5	11.11	45
Set goals for increasing the recovery of resources from wastewater for energy generation (heat or electricity) and fertilizer	1	2.22	15	33.33	17	37.78	12	26.67	45
Explore partnership options with high-strength waste	1	2.22	18	40.00	15	33.33	11	24.44	45
Plan for replacing all toilets using > 1.6 gpf and annual progress sufficient to reach 90 percent replacement in 10 years	1	2.22	24	53.33	12	26.67	8	17.78	45

Zoning and Development

The following results are from a matrix question that began: “As a local government unit we engage in the following practices surrounding zoning and development...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%			
Establish minimum shoreland setback standards along lakes and rivers.	36	81.82	3	6.82	2	4.55	3	6.82	44
Zoning code includes mixed use districts	35	79.55	4	9.09	3	6.82	2	4.55	44
Adopt zoning ordinances that allow for infill housing development	22	51.16	10	23.26	4	9.30	7	16.28	43
Adopt an historic preservation ordinance/regulations to encourage adaptive reuse	21	48.84	11	25.58	3	6.98	8	18.60	43
Require sidewalks in new residential areas and establish a policy for adding sidewalks, as appropriate, in areas built out without sidewalks	20	45.45	16	36.36	1	2.27	7	15.91	44
Conserve natural, cultural, historic resources by adopting or amending city codes and ordinances to support sustainable sites, including roadsides, and environmentally protective land use development	20	45.45	12	27.27	7	15.91	5	11.36	44
Adopt ordinances and programs to maintain a healthy housing stock (code enforcement, landlord licenses, volunteer program, truth-in housing disclosure before sale, etc.)	20	45.45	15	34.09	6	13.64	3	6.82	44

Establish a program to make housing more affordable	19	43.18	19	43.18	3	6.82	3	6.82	44
Identify priority areas for infill development, including those eligible for brownfields funding	17	38.64	13	29.55	7	15.91	7	15.91	44
Support placemaking at varying scale (neighborhood to major city facility) and permanence (temporary to permanent) through programming, financial support and removal of regulatory barriers to promote healthy living and social capital in the community	16	36.36	16	36.36	7	15.91	5	11.36	44
Plan for reuse of large-format retail buildings, or work with a local school, church or commercial building to either add-on space or repurpose space into new uses	13	29.55	17	38.64	4	9.09	10	22.73	44
Develop an inventory of known contaminated properties for reuse planning, with possible GIS application	13	29.55	18	40.91	9	20.45	4	9.09	44
Allow life cycle or adaptable housing options, such as "aging in place", accessory dwelling units, Universal or Inclusive Design, Dementia Friendly Communities, Age-Friendly Communities, etc	13	29.55	20	45.45	8	18.18	3	6.82	44
Adopt zoning language or approve a skinny street/development project that follows green street and/or walkable streets principles	11	25.00	23	52.27	4	9.09	6	13.64	44
Incorporate form-based zoning approaches into the zoning code, in those areas where a diverse mix of uses is desired	11	25.00	20	45.45	8	18.18	5	11.36	44

Adopt form-based codes or similar type design guidelines for healthy active living environments	8	18.18	28	63.64	7	15.91	1	2.27	44
Establish a program to address chronic homelessness, such as "permanent housing"	6	13.64	25	56.82	6	13.64	7	15.91	44
Create land bank to acquire and assemble priority infill sites	5	11.36	25	56.82	7	15.91	7	15.91	44
Create/modify a green residential remodeling assistance/financing program to assist homeowners in adding space or features such as EV charging, renewables to their existing homes	2	4.55	31	70.45	6	13.64	5	11.36	44

Sustainability Networks, Coalitions, and Organizations

The following results are from a matrix question that began: “What sustainability networks, coalitions and organizations is your local government involved in?...”:

	Yes		No		Do Not Know		Not applicable		Number of Respondents
	Number	%	Number	%	Number	%	Number	%	
Green Tier Legacy Communities (GTLC)	11	26.83	30	73.17	0	0	0	0	41
Wisconsin Energy Independent Communities	9	21.95	32	78.05	0	0	0	0	41
Wisconsin Eco-Municipalities	4	10.00	36	90.00	0	0	0	0	40
ICLEI	2	5.00	37	92.50	1	2.50	0	0	40
LEED Certification for Cities and Communities	2	5.00	38	95.00	0	0	0	0	40
Wisconsin Initiative on Climate Change Impacts (WICCI)	2	5.00	38	95.00	0	0	0	0	40



Council Agenda Item

Meeting Date: February 7, 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.

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. This item was brought to the Council on December 20, 2022 as an informative item. Council asked for this item to be referred to the CDA for their input before turning the lights off. The CDA met on January 19, 2023 and voted against turning the lights off.

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 be turned off.

While this item was approved as a budget balancing initiative, due to the actual limited savings in dollars, staff is recommending to **not** turn the lights off.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|--------------------|
| 1. Budget Briefing |
| 2. Map |
-

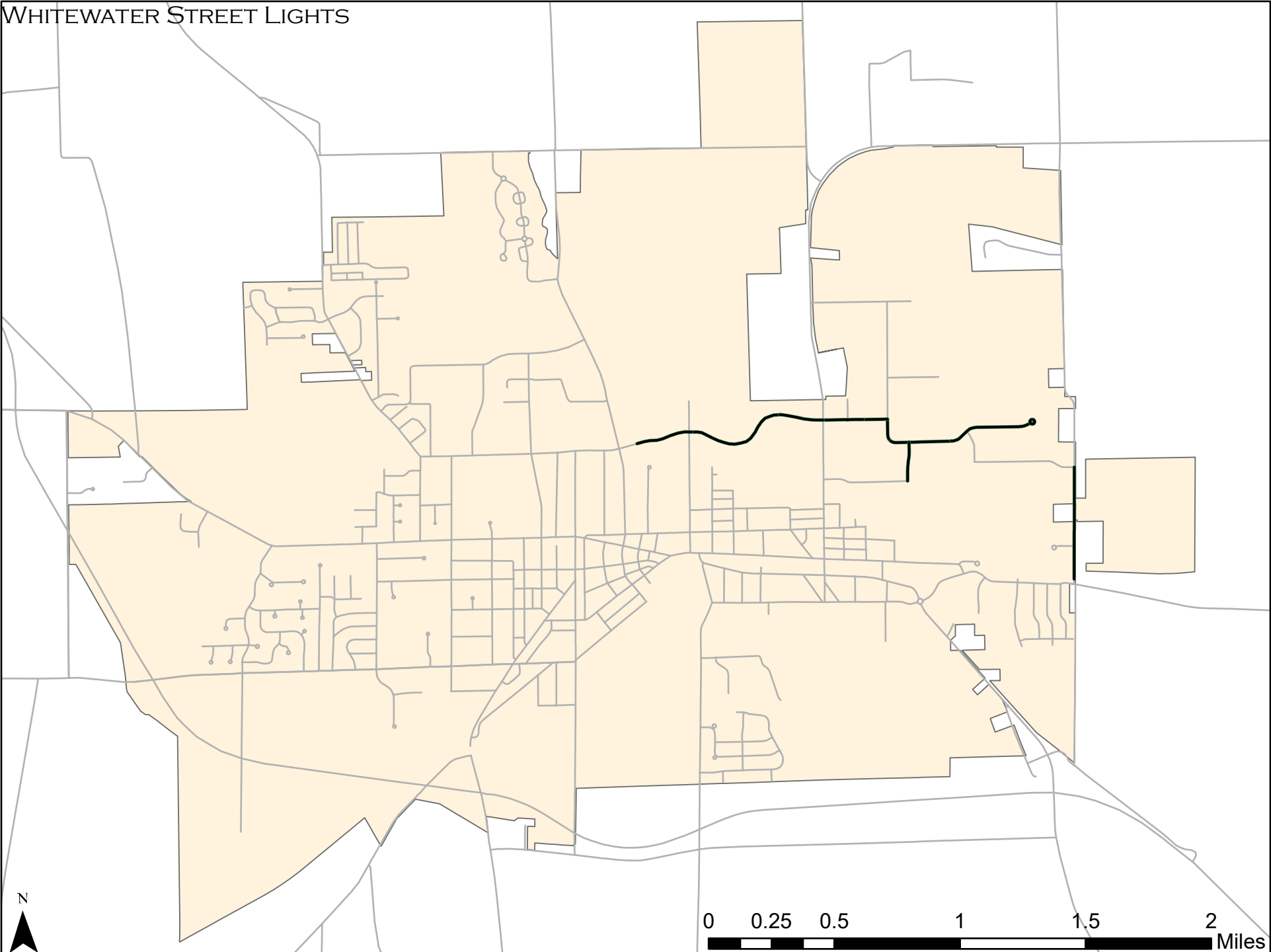
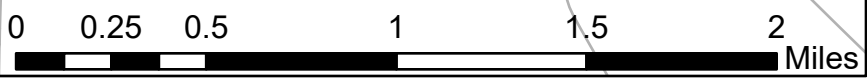


2023 Budget Briefing

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





Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: SMA Walworth Ave

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

BACKGROUND

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

Staff submitted several applications through the State's Surface Transportation Program (STP) – Urban. This was in response to the additional Federal money that was made available from the Bipartisan Infrastructure Law. The City was notified in September 2022 that the Walworth Avenue Project was approved for funding. We recently received the State Municipal Agreement (SMA) which the City must sign to lock in the project.

The Walworth Ave Project includes pulverizing the existing asphalt and placing a new asphalt surface from Janesville Street to the Rock County line. The project will also replace sidewalk sections where deteriorated or that have tripping hazards along with updating pedestrian curb ramps to meet ADA standards. Spot curb and gutter replacement will also take place as needed.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee was updated on the award amount and proposed schedule at the January 10, 2023 meeting.

FINANCIAL IMPACT

(If none, state N/A)

STP – Urban Projects are funded with 80% Federal money and 20% City money. For Walworth Avenue the total estimated construction cost is \$2,724,940 with \$2,143,392 (80%) Federal responsibility and \$581,548 (20%) City responsibility. The Federal money is capped therefore any additional construction costs over \$2,724,940 is 100% City responsibility. Any water valves or sanitary manhole adjustments are also 100% City responsibility. The design is 100% City funded. Construction is currently scheduled for 2025. Money for the construction will need to be budgeted for in 2025.

STAFF RECOMMENDATION

Staff recommends approval of the SMA for Walworth Avenue.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|--|
| 1. State Municipal Agreement – Walworth Avenue |
|--|
-

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	STATE/MUNICIPAL AGREEMENT FOR A STATE- LET STP Rural PROJECT	Date: January 18, 2023
	Program Name: STP-Urban 5,000- 20,000 Sub-program #: 206 Cycle: 2023-2026	I.D.: 3835-05-04/74 Road Name: WALWORTH AVE Limits: W CITY LIMITS TO S JANESVILLE ST County: WALWORTH Roadway Length: 1.58 Functional Classification: Minor Arterial Project Sponsor: City of Whitewater

The signatory, City of Whitewater, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **The far western portion of Walworth Avenue is a rural section with turn lanes and gravel shoulders with no sidewalk. From Indian Mound Parkway to the east, Walworth Avenue is an urban section with sidewalk on the north side up to the High School and then on both sides the rest of the way to Janesville Street. The rural section of Walworth Avenue is showing excessive raveling with numerous patched potholes. Block and alligator cracking and pavement edge deterioration is also prevalent. Block and alligator cracking and some surface raveling is common throughout the rest of the project.**

Proposed Improvement - Nature of work: **The proposed project would include a pulverization of the existing pavement and basecourse with a new asphalt surface. Asphalt and gravel shouldering will be required in the rural section. Some curb and gutter replacement will be necessary for updating pedestrian curb ramps to meet ADA standards along with some spot replacement. Besides pedestrian curb ramp replacement, some spot sidewalk replacement will also be necessary to alleviate deteriorated sidewalk and tripping hazards. Pavement marking and striping is included in the scope. Locally funded items consist of adjustments to water valve boxes and sanitary sewer manhole castings.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: work could include, but may not be limited to, adjustment of water service boxes, gate valves, and manholes; adjustment of sanitary sewer manholes, placing of new sanitary manhole seals and covers, haul road.

The Municipality agrees to the following 2023-2026 STP-Urban project funding conditions:

Project ID 3835-05-74 costs are funded with up to 80% federal funding up to a funding limit of \$2,143,392. The Municipality agrees to provide the remaining 20% and any funds in excess of the \$2,143,392 federal funding limit. **Design, real estate, railroad, and utility costs are 100% locally funded.** Non-participating costs are

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100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2025**. Sunset date: **June 30, 2030**

Sunset Date is determined based on the date a project is scheduled to be authorized. Sunset date is calculated as six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled.

Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal funding exceed the estimate of \$2,143,392 in the Summary of Costs Table, unless such increase is approved in writing by the State through the State's Change Management Policy prior to the Municipality incurring the increased costs.

SUMMARY OF COSTS					
PHASE	Total Est. Cost	Federal Funds *	%	Municipal Funds	%
ID 3835-05-04					
State Review	\$20,000	\$0	0%	\$20,000	100%
ID 3835-05-74					
Participating Construction	\$2,123,310	\$1,698,648	80%	\$424,662	20% + BAL
Construction review	\$535,930	\$428,744	80%	\$107,186	20% + BAL
Non-Participating Construction	\$25,700	\$0	0%	\$25,700	100%
State Review	\$20,000	\$16,000	80%	\$4,000	20% + BAL
Total Est. Cost Distribution	\$2,724,940	\$2,143,392	N/A	\$581,548	N/A

*Design ID# 3835-05-04 federal funding is limited to \$0.

*Construction ID# 3835-05-74 federal funding is limited to \$2,143,392.

This request is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality.
Signed for and in behalf of: City of Whitewater (please sign in blue ink.)

Name	Title	Date
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Signed for and in behalf of the State:

Name	Title: SE Region Planning Chief	Date
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GENERAL TERMS AND CONDITIONS:

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1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
 - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
 - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.
 - h. General requirements for administering federal and state aids set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin’s approved 2023-2026 STP-Urban program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).

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- f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. State review services for construction.
5. The work will be administered by the State and may include items not eligible for federal participation.
6. As the work progresses, the State will bill the Municipality for work completed that is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the 2023-2026 STP-Urban improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
- a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Preliminary engineering and design.
 - i. State review services for design
 - j. Real estate for the improvement.
 - k. Other 100% Municipality funded items: adjustments to water valve boxes and sanitary sewer manhole castings.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.

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11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing commitments or are ineligible for federal/state financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
13. In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2023-2026 STP improvement must be constructed and in final acceptance within six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled. Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred on behalf of the project.
15. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - e. Provide complete plans, specifications, and estimates to State upon request.
 - f. Provide relocation orders and real estate plats to State upon request.
 - g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
 - h. Provide maintenance and energy for lighting.
 - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
16. It is further agreed by the Municipality that:
 - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.

STP-Rural and small STP-Urban (206) Standard SMA Template

- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or state highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if the contractor does not obey size and weight laws, use properly equipped and maintained vehicles, and does not prevent spilling of materials onto the haul road (WisDOT *Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

LEGAL RELATIONSHIPS:

- 17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
- 18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.

STP-Rural and small STP-Urban (206) Standard SMA Template

19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.
20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following 2023-2026 STP-Urban project funding conditions:
 - a. ID 3835-05-04: Design is funded 100% by the Municipality. This phase includes plan development, and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities.
 - b. Real estate is funded 100% by the Municipality. Real estate acquisition is 100% the responsibility of the Municipality.
 - c. ID **3835-05-74**: Construction:
 - i. Costs for pavement replacement of Walworth Avenue: are funded with 80% federal funding up to a funding limit of \$2,143,392, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$2,143,392 federal funding limit.
 - ii. non-participating costs for adjustments to water valve boxes and sanitary sewer manhole castings are funded 100% by the Municipality. Costs include construction delivery.
 - iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality for participating activities and 100% Municipal for non-participating activities.

[End of Document]



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: SMA Innovation Dr

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

BACKGROUND

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

Staff submitted several applications through the State's Surface Transportation Program (STP) – Local. This was in response to the additional Federal money that was made available from the Bipartisan Infrastructure Law. The City was notified in September 2022 that the Innovation Drive Project was approved for funding. We recently received the State Municipal Agreement (SMA) which the City must sign to lock in the project.

The Innovation Dr Project includes pulverizing the existing asphalt and placing a new asphalt surface from Technology Drive to Howard Road.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee was updated on the award amount and proposed schedule at the January 10, 2023 meeting.

FINANCIAL IMPACT

(If none, state N/A)

STP – Local Projects are funded with 80% Federal money and 20% City money. For Innovation Drive the total estimated construction cost is \$471,368 with \$359,174 (80%) Federal responsibility and \$92,194 (20%) City responsibility. The Federal money is capped therefore any additional construction costs over \$471,368 is 100% City responsibility. Any water valves or sanitary manhole adjustments are also 100% City responsibility. The design is 100% City funded. Construction is currently scheduled for 2025. Money for the construction will need to be budgeted for in 2025.

STAFF RECOMMENDATION

Staff recommends approval of the SMA for Innovation Drive.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|---|
| 1. State Municipal Agreement – Innovation Drive |
|---|
-



**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET STP-LOCAL
PROJECT**

Program Name: STP-Local

Sub-program #: 206

**Cycle: FFY 2023-2026- Bipartisan
Infrastructure Law (BIL)**

Date: **January 18, 2023**

I.D.: **3835-00-05/75**

Road Name: **INNOVATION DR**

Limits: **TECHNOLOGY DR TO HOWARD RD**

County: **WALWORTH**

Roadway Length: **0.41 miles**

Functional Classification: **Local**

Project Sponsor: **City of Whitewater**

The signatory, City of Whitewater, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **Innovation Dr shown signs of block and alligator cracking, and surface deterioration resulting in potholes and patches. Current cross section is 2 16ft asphalt lanes with curb and gutter and spot lighting.**

Proposed Improvement - Nature of work: **The proposed scope would be to pulverize the existing pavement and basecourse and place a new asphalt pavement surface. Pavement markings would also be required. Items that are 100% locally funded are attributed to water valve box and sanitary sewer manhole casting adjustment.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: work could include, but may not be limited to, adjustment of water service boxes, gate valves, and manholes; adjustment of sanitary sewer manholes, placing of new sanitary manhole seals and covers, haul road.

The Municipality agrees to the following FFY 2023-2026 BIL STP-Local project funding conditions:

Project ID **3835-00-05** design costs are funded 100% by the Municipality including state review of design costs.

Project ID **3835-00-75** construction costs are funded with up to 80% federal funding up to a funding limit of \$359,174. The Municipality agrees to provide the remaining 20% and any funds in excess of the \$359,174 federal funding limit. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2025**. Sunset date: **June 30, 2030**

Sunset Date is determined based on the date a project is scheduled to be authorized. Sunset date is

calculated as six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled.

Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal funding exceed the estimate of \$359,174 in the Summary of Costs Table.

SUMMARY OF COSTS					
PHASE	Total Est. Cost	Federal Funds *	%	Municipal Funds	%
ID 3835-00-05					
State Review	\$20,000	\$0	0%	\$20,000	100%
<i>Project totals</i>	\$20,000	\$0		\$20,000	
ID 3835-00-75					
Participating Construction	\$384,111	\$307,289	80%	\$76,822	20% + BAL
Non-Participating Construction	\$2,400		0%	\$2,400	100%
Construction Engineering	\$54,857	\$43,885	80%	\$10,971	20% + BAL
State Review	\$10,000	\$8,000	80%	\$2,000	20% + BAL
<i>Project totals</i>	\$451,368	\$359,174		\$92,194	
Total Est. Cost Distribution	\$471,368	\$359,174	N/A	\$112,194	N/A

*Design ID# **3835-00-05** federal funding is limited to \$0.

*Construction ID# **3835-00-75** federal funding is limited to \$359,174.

This request is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality.
Signed for and in behalf of: **City of Whitewater** (please sign in blue ink.)

Name	Title	Date
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Signed for and in behalf of the State:

Name	Title; SE Region Planning Chief	Date
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GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.

2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
 - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
 - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.
 - h. General requirements for administering federal and state aids set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin’s approved FFY 2023-2026 BIL STP-Local program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.

- h. Landscaping.
 - i. State review services for construction ID 3835-00-75
5. The work will be administered by the State and may include items not eligible for federal participation.
 6. As the work progresses, the State will bill the Municipality for work completed that is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the FFY 2023-2026 BIL STP-Local improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Preliminary engineering and design.
 - i. Real estate for the improvement.
 - j. State review services for design ID 3835-00-05
 - k. Other 100% Municipality funded items: water valve box and sanitary sewer manhole casting adjustment.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color,

handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.

12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing commitments or are ineligible for federal/state financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
13. In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2023-2026 STP improvement must be constructed and in final acceptance within six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled. Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred on behalf of the project.
15. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - e. Provide complete plans, specifications, and estimates to State upon request.
 - f. Provide relocation orders and real estate plats to State upon request.
 - g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
 - h. Provide maintenance and energy for lighting.
 - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
16. It is further agreed by the Municipality that:
 - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
 - b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is

responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.

- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or state highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if the contractor does not obey size and weight laws, use properly equipped and maintained vehicles, and does not prevent spilling of materials onto the haul road (WisDOT *Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

LEGAL RELATIONSHIPS:

- 17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
- 18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
- 19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.

20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following FFY 2023-2026 BIL STP-Local project funding conditions:
- a. ID 3835-00-05: Design is funded 100% by the Municipality. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 100% by the Municipality.
 - b. ID 3835-00-75: Construction:
 - i. Costs for participating construction items are funded with 80% federal funding up to a funding limit of \$359,174, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$359,174 federal funding limit.
 - ii. Non-participating costs for maintenance and repair of haul roads are funded 100% by the Municipality. Costs include construction delivery.
 - iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality for participating activities, and 100% Municipal for non-participating activities.

[End of Document]



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: SMA Howard Road

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

BACKGROUND

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

Staff worked with the Town of Coldspring to submit an application through the State's Surface Transportation Program (STP) – Local. This was in response to the additional Federal money that was made available from the Bipartisan Infrastructure Law. The Town was notified in September 2022 that the Howard Road Project was approved for funding and now has the State Municipal Agreement (SMA) to sign.

The Howard Rd Project includes pavement replacement, shoulder work and culvert replacement from the Walworth County north to STH 59.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee was updated on the award amount and proposed schedule at the January 10, 2023 meeting.

FINANCIAL IMPACT

(If none, state N/A)

STP – Local Projects are funded with 80% Federal money and 20% City money. For Howard Road the total estimated construction cost is \$775,452 with \$608,246 (80%) Federal responsibility and \$167,206 (20%) Town/City responsibility. The Federal money is capped therefore any additional construction costs over \$775,452 is 100% Town/City responsibility. The design is 100% Town/City funded. Construction is currently scheduled for 2025. Money for the construction will need to be budgeted for in 2025.

The majority of Howard Road is half in the City and half in the Town. The City and Town have a verbal agreement to split the 20% portion of the financial requirement 50-50. The design would also be evenly split 50-50. This is a Town project so the DOT invoices will be going to the Town and the Town will invoice the City for payment. The design will be paid for by the City with the Town's portion credited on the City's construction invoice(s).

STAFF RECOMMENDATION

Staff met with Town of Cold Spring Chairperson Steve Hoffmann on Wednesday, February 1, 2023 to discuss the project. Based on the final cost the Town incurred for the repaving of Cold Spring Road in 2022, Mr. Hoffmann believes he can have Howard Road paved for the same amount as the 20% portion the Town/City would be responsible for under the SMA. There are also concerns of design standards that may be required to be met during the design and State review that could significantly raise the cost of the project. In addition, the Town would like to repave Howard Road in 2023 rather than wait till 2025. Based

on this, Mr. Hoffmann is preparing to recommend to his Town Board to decline the SMA. Therefore, staff is recommending the Council make a motion supporting whatever decision the Town Board makes in reference to the Howard Road SMA.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- | |
|--|
| 1. State Municipal Agreement – Howard Road |
|--|
-



**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET STP-LOCAL
PROJECT**

Program Name: STP-Local

Sub-program #: 206

**Cycle: FFY 2023 to 2026- Bipartisan
Infrastructure Law (BIL)**

Date: **January 17, 2023**

I.D.: **3631-00-02/72**

Road Name: **Howard Road**

Limits: **Walworth Co. Line to STH 59**

County: **Jefferson**

Roadway Length: **1.0 miles**

Functional Classification: **Local Road**

Project Sponsor: **Town of Cold Spring**

The signatory, **Town of Cold Spring**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **The existing roadway is a 2-lane facility with a rural cross section constructed of asphalt pavement. The roadway consists of 10-foot wide travel lanes and 2-foot wide gravel shoulders. The roadway was last improved in 1974 with a current pavement rating of 3 to 4. There are no federal-aid eligible structures within the project limits. There are no sidewalks or bicycle/pedestrian accommodations.**

Proposed Improvement - Nature of work: **A pavement replacement project is proposed with a project length of 1.0 miles. The pavement replacement will begin at the Walworth County Line and end at the intersection of STH 59. The project will result in a 2-lane rural cross section with 10-foot wide travel lanes constructed of asphalt pavement and 2-foot wide gravel shoulders. Culvert replacements are anticipated. Real estate acquisition is not anticipated.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: **Maintenance & repair of haul roads.**

The Municipality agrees to the following FFY 2023 to 2026 BIL STP-Local project funding conditions:

Project ID 3631-00-02 design costs are funded 100% by the Municipality including state review.

Project ID 3631-00-72 construction costs are funded with up to 80% federal funding up to a funding limit of \$608,246. The Municipality agrees to provide the remaining 20% and any funds in excess of the \$608,246 federal funding limit. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2025**. Sunset date: **June 30, 2030**.

Sunset Date is determined based on the date a project is scheduled to be authorized. Sunset date is calculated as six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled.

Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal funding exceed the estimate of \$608,246 in the Summary of Costs Table, unless such increase is approved in writing by the State through the State's Change Management Policy prior to the Municipality incurring the increased costs.

SUMMARY OF COSTS					
PHASE	Total Est. Cost	Federal Funds	%	Municipal Funds	%
ID 3631-00-02					
Design	\$0	\$0	0%	\$0	100%
State Review	\$14,144	\$0	0%	\$14,144	100%
<i>Project totals</i>	\$14,144	\$0		\$14,144	
ID 3631-00-72*					
Participating Construction	\$661,137	\$528,909	80%	\$132,228	20% + BAL
Non-Participating Construction	\$1,000	\$0	0%	\$1,000	100%
Construction Engineering	\$80,571	\$64,457	80%	\$16,114	20% + BAL
State Review	\$18,600	\$14,880	80%	\$3,720	20% + BAL
<i>Project totals</i>	\$761,308	\$608,246		\$153,062	
Total Est. Cost Distribution	\$775,452	\$608,246	N/A	\$167,206	N/A

*Construction ID# 3631-00-72 federal funding is limited to \$608,246.

This request is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality.

Signed for and in behalf of: **Town of Cold Spring** (please sign in blue ink.)

Name

Title

Date

Signed for and in behalf of the State:

Name

Title

Date

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
 - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
 - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.

- h. General requirements for administering federal and state aids set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

- 4. Funding of each project phase is subject to inclusion in Wisconsin's approved FFY 2023-2026 BIL STP-Local program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. State review services for construction ID 3631-00-72.
- 5. The work will be administered by the State and may include items not eligible for federal participation.
- 6. As the work progresses, the State will bill the Municipality for work completed that is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

- 7. Work necessary to complete the FFY 2023-2026 BIL STP-Local improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.

- g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Preliminary engineering and design.
 - i. Real estate for the improvement.
 - j. State review services for design ID 3631-00-02.
 - k. Other 100% Municipality funded items: None.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing commitments or are ineligible for federal/state financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
13. In accordance with the State's sunset policy for STP-Local projects, the subject FFY 2023-2026 BIL STP-Local improvement must be constructed and in final acceptance within six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled. Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred on behalf of the project.
15. The Municipality will at its own cost and expense:
- a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.

- d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
- e. Provide complete plans, specifications, and estimates to State upon request.
- f. Provide relocation orders and real estate plats to State upon request.
- g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

16. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or state highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if the contractor does not obey size and weight laws, use properly equipped and maintained vehicles, and does not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

LEGAL RELATIONSHIPS:

17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.
20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following FFY 2023 to 2026 BIL STP-Local project funding conditions:

- a. ID 3631-00-02: Design is funded 100% by the Municipality. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 100% by the Municipality.
- b. ID 3631-00-72: Construction:
 - i. Costs for participating construction items are funded with 80% federal funding up to a funding limit of \$608,246, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$608,246 federal funding limit.
 - ii. Non-participating costs for maintenance and repair of haul roads are funded 100% by the Municipality. Costs include construction delivery.
 - iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.

[End of Document]



Common Council Agenda Item

Meeting Date: February 7, 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.

At the 01/19/2023 CDA Board Meeting, motion approved to recommend to the Common Council that the “Construction Deadline” as defined in the attached Development Agreement be extended to 09/02/2024.

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

City staff recommended that the CDA request that the Common Council amend the Development Agreement to extend the Construction Deadline.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

Development Agreement.

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

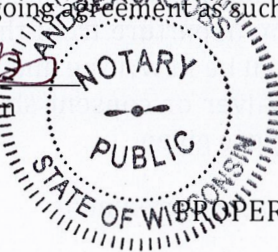
By: [Signature]
Cameron Clapper, City Manager

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

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 ____ day of March, 2022.

CITY OF WHITEWATER

By: _____
Cameron Clapper, City Manager

By: _____
Michele Smith, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

Personally appeared before me this ____ day of _____, 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.

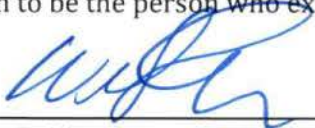
Notary Public, State of Wisconsin
My commission _____.

PROPERTYX LLC

By: _____
Matthew Ferguson, Member

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

Personally appeared before me this 29 day of MARCH, 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 2/23/2026



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



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: WAFC Committee Appointment

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

BACKGROUND

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

City staff was directed to meet with WUSD staff establish the makeup of a WAFC committee. Both City and School district staff met on Friday, January 6 and discussed the options for a committee. It was decided to have each entities board select board member from their elected board to sit on a committee made up of staff members from both Whitewater Unified School District and the City of Whitewater. At the January 17th common council meeting two council members were selected and approved. The Whitewater school district has selected three board members for their representation on the committee. Common Council must now appoint one additional council member for the board to have equal representation.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

January 17, 2023 Common Council Meeting – Council appointed council members Lisa Dawsey Smith and Jill Gerber to the committee

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

- Common Council should select and approve one additional board member for the WAFC committee.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

N/A



Council Agenda Item

Meeting Date: February 7, 2023

Agenda Item: Dalee Easement

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

BACKGROUND

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

There is an existing metal culvert pipe that carries storm water from Walworth Avenue south to an open ditch. The pipe has been damaged several times from being shallow and hit during farming operations. It is at a point it needs to be replaced. Through property records research it was determined no easements were granted in 1969 when the metal culvert pipe was installed. The City has recently established permanent easements with the two northern properties but still needs an easement through the Dalee property. Through negotiations with the property owner, a design which consists of constructing a ditch on the east side of the property has been agreed to in principal.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Council approved the project as a Capital Improvement Project in the 2019 budget.

FINANCIAL IMPACT

(If none, state N/A)

The City is offering \$15,000 for the acquisition of the permanent easement plus Mr. Dalee's attorney fees for review of the easement document.

STAFF RECOMMENDATION

Staff has been working with Mr. Dalee since 2019 to come to an agreement on the location of the easement and the specifics of the design. The easement is currently in Mr. Dalee's possession for signature. Staff recommends approval of the easement agreement contingent upon the Dalee's signature.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Easement Agreement
2. Payment Agreement

**STORMWATER MANAGEMENT
EASEMENT AGREEMENT**

Drafted by and Return To:

Attorney Sara K. Beachy
Axley Brynson, LLP
2 East Mifflin Street, Suite 200
Madison, Wisconsin 53703

/A 71200002
Tax Parcel Numbers

THIS EASEMENT AGREEMENT (“**Agreement**”) is granted by Roderick O. Dalee and Mary M. Dalee, husband and wife (collectively, “**Grantor**”) to the City of Whitewater (“**Grantee**”).

RECITALS:

A. Grantor is the fee owner of the real property located in the City of Whitewater, Walworth County, Wisconsin, legally described on Exhibit A, which is attached hereto and made a part hereof (the “**Grantor Property**”); and

B. Grantor desires to grant and establish, upon the terms and conditions contained in this Agreement: (a) a **Permanent Limited Easement** for the installation, operation, and maintenance of a Stormwater Management System; and (b) two **Temporary Limited Easements** for the construction of slopes and other necessary activities for stormwater management, each over and across certain portions of the Grantor Property for the benefit of Grantee, as set forth in Exhibit A. The Permanent Easement Area and the Temporary Easement Areas are collectively

known as the “**Easement Areas**,” and the Temporary Easements and the Permanent Limited Easement are collectively known as the “**Easements**.”

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The Recitals above are incorporated by reference.
2. Grant of Easements. Grantor hereby grants, conveys, transfers and assigns unto the Grantee, a non-exclusive Permanent Limited Easement and Temporary Limited Easements as described in Exhibit A and depicted in Exhibit B attached hereto, along with the right to ingress and egress over the Easement Areas necessary to fulfill the purpose of this Agreement. “**Stormwater Management System**” includes the storm sewer pipes, outfalls, a grassy drainage swale, equipment, and facilities located in the Permanent Easement Area and all modifications, alterations, and/or replacements thereto necessary for stormwater management.
3. Permitted Users. The Easements granted herein may be used by the Grantee and its guests, agents, employees, contractors, invitees, successors and assigns as necessary to fulfill the purpose of this Agreement.
4. Municipal Services. Any municipal body, and its employees and agents, that provide Grantor Property with any current or future services shall have the right to access the Easement Areas to provide services related to the Easements.
5. Repair and Maintenance. Grantee is responsible at Grantee’s sole cost and expense for (i) the installation, maintenance, repair, replacement, restoration, and rebuilding of the Stormwater Management System located in the Permanent Easement Area; and (ii) the construction and installation of any slopes, landscaping, and grading related to the Stormwater Management System within the Easement Areas. Grantee will maintain and preserve the Permanent Easement Area in good repair and working order, ordinary wear and tear excepted, and from time to time shall make all necessary repairs, replacements, renewals, and additions within the Permanent Easement Area. If Grantor or any of its agents, contractors, guests, invitees, tenants, successors, heirs, or assigns damages or destroys all or any part of the Easement Areas then Grantee may repair such damage at the sole cost and expense of Grantor.
6. Restoration and Clean Up. In the event Grantee exercises any right within the Easement Areas in accordance with this Agreement, Grantee shall reasonably restore the surface of the Easement Areas and shall remove all construction debris resulting from such activities from the Easement Areas.
7. Future Access Across Easements. In the event Grantor requests access across the Easement Areas from South Street for the construction of a dwelling unit on the Grantor Property, Grantee agrees to install storm sewer piping or culverts in the Permanent Easement

Area to allow for construction of a driveway across the Permanent Easement Area by Grantor. The installation of such storm sewer piping or culvers shall be at Grantee's cost, and Grantee shall have sole discretion over the design, manner, and location in the Permanent Easement Area.

8. No Interference with Rights. The parties shall at no time interfere with the rights of the other party which are provided in this Agreement. Without limitation, the Grantor shall not (a) interfere with or restrict access to any Easement Areas, or (b) erect any improvements in the Easement Areas including, without limitation, water, electric, or sewer lines, or paving, without the prior written consent of the Grantee.

9. Covenants Run with Land. All of the terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the parties, and each of their successors and assigns.

10. Notices. All notices herein provided for shall be given by registered mail or certified mail, postage prepaid, return receipt requested, or sent by overnight express carrier (e.g., Federal Express or Express Mail) for guaranteed next business day delivery. Notice shall be deemed given when so mailed and addressed. Either party may change such address by written notice to the other party as provided for herein; provided that, in the event the Grantor is no longer the owner of record of the Grantor Property, then notices pursuant hereto may be given to the address of the successor owner where such owner's real estate tax bills are sent until such owner changes its notice address by written notice to the Grantee as provided for herein. Notice shall be delivered as follows:

To Grantor: Roderick O. & Mary M. Dalee
269 Franklin Street
Whitewater, WI 53190

To Grantee: City of Whitewater
c/o City Manager
312 W. Whitewater Street
Whitewater, WI 53190

11. Non-Use. Non-use or limited use of the easement rights granted in this Agreement shall not prevent any benefited party from later use of the easement rights to the fullest extent authorized in this Agreement.

12. Amendment. This Agreement may be amended in whole or in part by the recording of a written instrument executed by or on behalf of all of the owner(s) of the real property where the applicable easements are located and the owner(s) of the real property benefiting from such easements, including portions thereof, subject to this Agreement.

13. Governing Law. This instrument shall be construed and enforced in accordance with the laws of the State of Wisconsin.

14. Invalidity. If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

15. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

16. Nonforfeiture. Any violation of these restrictions shall not result in a forfeiture or reversion of title to any real property.

17. Binding Effect on Successors and Assigns. The covenants and obligations of this Agreement shall bind and inure to the benefit of Grantor, Grantee and their respective successors and assigns.

18. Counterpart Execution. This Agreement may be executed in any number of counterparts with the same effect as if all parties have signed the same document. All counterparts shall be construed together and shall constitute one agreement.

19. Clear Title. By signing below, Grantor warrants and represents he/she has authority to execute this Easement and that Grantor has good title to the property described herein, free and clear from all liens and encumbrances.

[SIGNATURES NEXT PAGE]

GRANTOR:

Roderick O. Dalee

Mary M. Dalee

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on this ____ day of _____, 2022, by the above-named Roderick O. Dalee and Mary M. Dalee, known to be the persons who executed the forgoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission expires:_____

EXHIBIT A

Legal Description

A Permanent Limited Easement for the installation, operation, and maintenance of a Stormwater Management System in part of Lot 2 of Certified Survey Map number 712 recorded in volume 3 on page 217 as document number 23179 at the Walworth County Register of Deeds being located in the Northeast 1/4 of the Northwest 1/4 of Section 8, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin more fully described as follows:

Commencing at the North 1/4 corner of said Section 8;
Thence South 1° 51' 04" West, 849.29 feet along the east line of the Northeast 1/4 of the Northwest 1/4 to the point of beginning;

Thence South 1° 51' 04" West, 37.98 feet;
Thence North 50° 19' 09" West, 90.29 feet to a point on a circular curve to the right and having a radius of 1,015.00 feet;
Thence 136.52 feet Northwesterly along the arc of said circular curve whose long chord bears North 46° 27' 57" West, 136.42 feet;
Thence North 42° 36' 46" West, 44.20 feet to a point on a circular curve to the right and having a radius of 65.00 feet;
Thence 47.25 feet along the arc of said circular curve whose long chord bears North 21° 47' 12" West, 46.22 feet;
Thence North 0° 57' 38" West, 153.99 feet;
Thence North 1° 52' 32" East, 229.12 feet;
Thence South 89° 02' 06" West, 35.92 feet to a northwesterly line of said Lot 2;
Thence North 2° 00' 26" East, 41.60 feet along said northwesterly line to the northernmost line of said Lot 2;
Thence North 89° 12' 30" East, 65.85 feet;
Thence South 1° 52' 32" West, 271.27 feet;
Thence South 0° 57' 38" East, 153.25 feet to a point of a circular curve to the left and having a radius of 35.00 feet;
Thence 25.44 feet along the arc of said circular curve whose long chord bears South 21° 47' 12" East, 24.89 feet;
Thence South 42° 36' 46" East, 44.20 feet to a point of a circular curve to the left and having a radius of 985.00 feet;
Thence 132.48 feet Southeasterly along the arc of said circular curve whose long chord bears South 46° 27' 57" East, 132.38 feet;
Thence South 50° 19' 09" East, 66.99 feet to the east line of the Northeast 1/4 of the Northwest 1/4 and the point of beginning;

Containing 23036 square feet more or less.

Also, a **temporary limited easement** for the right to construct slopes for storm water management construction, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress as long as required for such public purpose including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable. All areas disturbed by construction will be restored similar to its original condition. **This easement shall terminate upon completion of the construction project for which this instrument is given.**

Said easement consists of the owner's interest in land contained within the following described tract being part of Lot 2 of Certified Survey Map number 712 recorded in volume 3 on page 217 as document number 23179 at the Walworth County Register of Deeds being located in the Northeast 1/4 of the Northwest 1/4 of Section 8, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin more fully described as follows:

Commencing at the North 1/4 corner of Section 8, Town 4 North, Range 15 East;
Thence South 1° 51' 04" West, 884.27 feet along the east line of the Northeast 1/4 of the Northwest 1/4 to the point of beginning;

Thence South 1° 51' 04" West, 25.32 feet;
Thence North 50° 19' 09" West, 105.82 feet to a point of circular curve to the right and having a radius of 1,035.00 feet;
Thence 139.21 feet Northwesterly along the arc of said circular curve whose long chord bears North 46° 27' 57" West, 139.10 feet;
Thence North 42° 36' 46" West, 121.67 feet;
Thence North 0° 57' 38" West, 153.83 feet;
Thence North 1° 52' 32" East, 227.88 feet;
Thence North 89° 02' 06" East, 50.06 feet;
Thence South 1° 52' 32" West, 229.12 feet;
Thence South 0° 57' 38" East, 153.99 feet to a point of circular curve to the left and having a radius of 65.00 feet;
Thence 47.25 feet along the arc of said circular curve whose long chord bears South 21° 47' 12" East, 46.22 feet;
Thence South 42° 36' 46" East, 44.20 feet to a point of circular curve to the left and having a radius of 1,015.00 feet;
Thence 136.52 feet Southeasterly along the arc of said circular curve whose long chord bears South 46° 27' 57" East, 136.42 feet;
Thence South 50° 19' 09" East, 90.29 feet to the east line of the Northeast 1/4 of the Northwest 1/4 and the point of beginning.

Containing 26434 square feet, more or less.

Also, a **temporary limited easement** for the right to construct slopes for storm water management construction, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress as long as required for such public purpose including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable. All areas disturbed by construction will be restored similar to its original

condition. **This easement shall terminate upon completion of the construction project for which this instrument is given.**

Said easement consists of the owner's interest in land contained within the following described tract being part of Lot 2 of Certified Survey Map number 712 recorded in volume 3 on page 217 as document number 23179 at the Walworth County Register of Deeds being located in the Northeast 1/4 of the Northwest 1/4 of Section 8, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin more fully described as follows:

Commencing at the North 1/4 corner of Section 8, Town 4 North, Range 15 East;
Thence South 1° 51' 04" West, 846.29 feet along the east line of the Northeast 1/4 of the Northwest 1/4 to the point of beginning;

Thence North 50° 19' 09" West, 66.99 feet to a point of circular curve to the right and having a radius of 985.00 feet;

Thence 132.48 feet Northwesterly along the arc of said circular curve whose long chord bears North 46° 27' 57" West, 132.38 feet;

Thence North 42° 36' 46" West, 44.20 feet to a point of circular curve to the right and having a radius of 35.00 feet;

Thence 25.44 feet along the arc of said circular curve whose long chord bears North 21° 47' 12" West, 24.89 feet;

Thence North 0° 57' 38" West, 153.25 feet;

Thence North 1° 52' 32" East, 271.27 feet;

thence North 89° 13' 25" East, 3.65 feet;

Thence South 1° 01' 47" West, 271.08 feet;

Thence North 89° 02' 22" East, 170.14 feet;

Thence South 1° 00' 47" West, 40.02 feet;

Thence South 89° 02' 22" West, 166.42 feet;

Thence South 0° 57' 38" East, 113.25 feet to a point of circular curve to the left and having a radius of 25.00 feet;

Thence 18.17 feet along the arc of said circular curve whose long chord bears South 21° 47' 12" East, 17.78 feet;

Thence South 42° 36' 46" East, 44.20 feet to a point of circular curve to the left and having a radius of 975.00 feet;

Thence 131.14 Southeasterly along the arc of said circular curve whose long chord bears South 46° 27' 57" East, 131.04 feet;

Thence South 50° 19' 09" East, 59.23 feet to said east line of the Northeast 1/4 of the Northwest 1/4 of Section 8;

Thence South 1° 51' 04" West, 12.66 feet along said east line to the point of beginning.

Containing 12,357 square feet, more or less.

Subject to all other easements and restrictions, recorded and unrecorded.

EXHIBIT B

Permanent & Temporary Easements for Stormwater Management Survey Map

**JOB # 1407.095**

PAYMENT AGREEMENT

This Payment Agreement is executed by the undersigned Roderick O. Dalee and Mary M. Dalee (collectively, the “Dalees”) and City of Whitewater and is effective as of the date of signature.

WHEREAS, the City of Whitewater seeks to acquire a Stormwater Management Easement (“Easement”) for drainage purposes over, under, and across certain real estate owned by the Dalees in the City of Whitewater;

WHEREAS, the Dalees have been informed of their rights under Wis. Stat. § 32.05(2a) to appeal the amount of compensation paid for the acquisition of the Easement;

NOW THEREFORE, for and in consideration of the payments described herein, and for other good and valuable consideration, the parties hereby agree as follows:

1. Compensation. The City agrees to pay \$15,000.00 as compensation for the Easement.
2. Attorney fees. The City agrees to pay a reasonable amount for the Dalees’ attorney fees to review the Easement document.
3. Appeal Waiver. The Dalees hereby waive any and all rights of appeal as set forth in Wis. Stat. § 32.05(2a) with respect to the amount of just compensation for the Easement.

This Agreement is binding upon the successors and assigns of the parties.

Roderick O. Dalee

Mary M. Dalee

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

Personally came before me this day of _____, 20 __, the above named Roderick O. Dalee and Mary M. Dalee known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Signature of Notary
Printed Name of Notary: _____
Notary Public, State of Wisconsin
My Commission expires (is) _____

(Additional signatures to follow)

FOR THE CITY OF WHITEWATER:

By: _____

Name: _____

Title: _____

Attest: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF WALWORTH)

Personally came before me this day of _____, 2023, the above named _____
_____ known to be the person(s) who executed the
foregoing instrument and acknowledged the same.

Signature of Notary
Printed Name of Notary: _____
Notary Public, State of Wisconsin
My Commission expires (is) _____



Common Council Agenda Item

Meeting Date: 02-07-2023

Agenda Item: Recommendation to Remove CDA Board Member and Fill Vacant Position

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)

A letter was sent to Mr. Gildemeister on December 22, 2022 requesting a response as to his availability to attend future meetings or submittal of a letter of resignation. Mr. Gildemeister failed to respond to the letter and missed the January 19, 2023 CDA Board meeting.

It is the recommendation of the CDA that the Common Council take appropriate steps to remove Mr. Gildemeister as a Member of the CDA Board of Directors and take steps necessary to fill the vacant position.

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

ATTACHMENT(S) INCLUDED

(If none, state N/A)

None.

