

City of  
**WHITEWATER**

**COMMON COUNCIL AGENDA**

Common Council Meeting

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

**Thursday, February 23, 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 23, 2023 06:30 PM Central Time (US and Canada)**

**Topic: Common Council Meeting (In Person and Virtual)**

**Please click the link below to join the webinar:**

**<https://us06web.zoom.us/j/89174124171?pwd=eG9weHpkajk3dmlYSDA5SzlGSHFNZz09>**

**Passcode: 329583**

**Or Telephone:**

**Dial US: +1 312 626 6799**

**Webinar ID: 891 7412 4171**

**Passcode: 329583**

**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 2/7/23.	P. 1
CA-B	Acknowledgment of Receipt and Filing of: *Irvin L. Young Memorial Library Board minutes of January 18, 2023; - P. 11 *Plan and Architectural Review Commission minutes of January 9, 2023; - P.16 *Public Works Committee minutes of 1/10/23. – P. 18	P. 11
CA-C	Expedited Approval of the Following Items, per City Staff Recommendation: C-7	n/a

**CITY MANAGER REPORT.**

**STAFF REPORTS:**

*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: None.**

**ORDINANCES:**

O-1	Amending Chapter 11.45 of the Municipal Code, to Allow the Operation of All Terrain and Utility Terrain Vehicles on City of Whitewater Streets (excluding City Streets Located within the boundaries of the UWW Campus). (Council request).	P. 24
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**ORDINANCES: Second Reading: None.**

**CONSIDERATIONS:**

C-1	Adoption of findings for Alcohol Licensing Committee as it relates to “Class B” liquor license applications filed by Whitewater Petroleum Company d/b/a Five Points Mobil (Lisa Long, Agent) and Michael Hudec d/b/a Casual Joe’s (Mike Hudec, Agent), AND ranking of applications and possible issuance of “Class B” license. (City Clerk Request).	P. 32
C-2	Report on Water Rate Increase implementation, and request for direction regarding implementation start date. (Finance Director Request).	P. 43
C-3	Report on Starin Park Water Tower Structural Analysis. (DPW Director Request).	P. 85
C-4	Action on request for donation of funds to the 2023 Discover Whitewater Series Race. (City Manager Request).	P. 140
C-5	Discussion regarding Telecommuting Policy (Remote Work Policy) and possible direction regarding the same. (City Manager Request).	P. 142
C-6	Discussion regarding Employee Handbook approved in 2011, and request for direction regarding the Handbook. (City Manager Request).	P. 158
*C-7	Request for approval of easement to WE Energies for installation of underground electrical facilities at the Wastewater Treatment Facility. (DPW Director Request).	P. 228
C-8	Discussion and possible direction regarding City Manager Management Plan. (Councilmember Smith Request)	P. 232

C-9	Councilmember Requests for Future Agenda Items and/or POLCO questions.	n/a
C-10	Adjournment.	n/a

**\*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.**

February 7, 2023

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

It was moved by Majkrzak and seconded by McCormick to approve the Council Minutes of 1/17/23 and to acknowledge receipt and filing of the CDA Minutes of 12/15/22; Finance Committee Minutes of 10/11/22, 10/13/22 and 11/22/22; Library Board Minutes of 12/19/22; Park and Recreation Board Minutes of 11/16/22; and Police and Fire Commission Minutes of 11/16/22. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

**CITY MANAGER REPORT.** City Manager Weidl highlighted events in the City including a proclamation honoring Kathy Meyer for 40+ years of service to the City. During those years, her responsibilities included serving as Deputy Clerk and handling absentee voting. Public Works projects, employment hirings and openings, library programs, yard signs, parks and recreation programs, and police lunch at Lakeview Elementary School were also mentioned.

**STAFF REPORTS.** **Update on Water Rate Case** – Finance Director Steve Hatton stated that the City submitted a rate case to the Public Service Commission last year. The public hearing occurred on January 26, 2023, and a ruling on the request should be coming soon. The PSC determines what the final rate will be, but it is anticipated there will be a 30 % increase in water rates. For the average customer that uses 3000 gallons per month, the increase would be \$7.27 per month. Councilmember Gerber asked if the information about the rate increase was included in the information sheets that were included with the real estate tax bills. Hatton indicated that the information was posted on the website, published in the newspaper, and included on the water bills, but not included on the tax bill flyers.

**HEARING OF CITIZEN COMMENTS.** Resident Jeff Knight of 405 Panther Court indicated that he is a member of the Whitewater Aquatic and Fitness Center (WAFC). He has heard talk amongst school employees about “shutting down” or “repurposing” the aquatic and fitness center (“WAFC”), and he expressed concern that this was being done without public knowledge. Knight encouraged open dialogue instead of private discussions. He believes lack of transparency hurts morale and membership. He would like to see the Council reach out to citizens and members regarding the WAFC. Knight thinks that if the School District and City had met the annual inflationary increases in their payments, much of the deferred maintenance would have been completed, and there wouldn’t be such a funding problem. He stated that he heard that the operating agreement between the City and School District has been lapsed for two years and his opinion is that this is responsible management. Knight would like to know how much ARPA money from the City went to the WAFC. He would like to see the Council speed up and prioritize a resolution to the issues at the WAFC.

**RESCINDING REAL ESTATE TAXES ERRONEOUSLY CHARGED TO ANCHOR BIBLE CHURCH ON PUTNAM STREET.**

**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 Councilmember Majkrzak, who moved its adoption. Seconded by Councilmember McCormick. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Gerber, Allen. NOES: None. ABSENT: None.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

**REQUEST FOR ADOPTION OF 2022 BUDGET AMENDMENT NO. 2.** Finance Director Hatton stated that there are year-end entries that are completed annually, and any anticipated surplus may be apportioned to help pay for future needs. Councilmember Smith stated that \$180,000 of interest income was more than was forecasted due to the rising interest rates. Smith asked Hatton to elaborate on the blanket amount in Fund 450, Project Funds. Finance Director Hatton stated that \$25,000 is slated for the Effigy Mounds Park maintenance; \$10,000 is planned for strategic planning ; and the balance is for planned for cybersecurity.

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 Allen who moved its adoption. Seconded by Councilmember Schreiber. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Dawsey Smith. NOES: None. ABSENT: None. ADOPTED; February 7, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

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

City Attorney McDonell stated that adoption of the Resolution would end the use of the manual as a city document, in conjunction with adoption of the ordinance repealing the employee manual. Councilmember Gerber stated that in the manual it states that Council is the authority to approve any policy changes. Gerber continued by stating that if the manual were rescinded, the Council would no longer have to approve any policy changes in the to-be-adopted policies, which are in an electronic format. Attorney Wallace McDonell stated that it is up to the Council as to what level of involvement they want to have in policy adoption. He stated he believes that City Manager Weidl is attempting to get control over the policies and each one will need to be looked at to see how the Council will be involved in creating it or approving it. McDonell said that City Manager Weidl will need to speak to what the expectation is in managing policies from the time of the employee manual being repealed.

Councilmember Gerber stated that the communications policy was added to the existing proposed policies (electronic version), but was never included or approved for inclusion in the Employee Handbook (paper version). Gerber indicated it was her understanding that the new policies would be active effective tomorrow if this were approved, even though the Council didn't actually approve it.

City Attorney McDonell responded that the implementation would depend on whether Weidl implemented the policy in his administrative capacity. McDonell did confirm that the Council can weigh in and decide how deep they want to get involved with the policies. McDonell said that he can't speak to what policies are in effect and which aren't.

**Gerber moved to postpone this item indefinitely, until the Council decides they want to bring it back. Allen seconded the motion.** Allen stated that he has asked on numerous occasions if everything in the

Employee Handbook (paper copy) is in the Policies (electronic copy). Allen indicated he has not received a clear answer. Councilmember Allen said that Council has given some specific direction on policy, and repealing the Employee manual could allow the City Manager to change policy that the Council may not agree should be changed. Councilmember Allen would like this matter to slow down so that there is an understanding of both sides of the rules. Allen indicated he would be receptive to having some of this work done by a subcommittee.

City Manager Weidl stated that he would like this and the accompanying ordinance to be adopted, and to subsequently move on to the discussion and adoption of the governance policy. Weidl did indicate, however, that he will administer whatever the Council directs him to do.

Councilmember Brown opined that the Council is micromanaging. She indicated that policies are being followed. Brown said Weidl could go through the policies and see what works for him, and if something isn't working it can be brought to Council to talk about. Brown doesn't think this is Council's job. Councilmember Majkrzak agreed with Brown. He stated that the City Manager was hired to do a job and they should let him do it.

Councilmember Smith said that the presence of a printed or electronic copy is immaterial. The ordinance created a physical copy and to remove, there is a three-step process: ordinance, resolution, and policy governance document. Smith does not think a print or online manual removes the statutory authority of Council as the policy setting body. Smith indicated that it can be directed that every policy needs to be brought to Council for advance review. Smith continued that the Council has hired an executive to execute the policy that they set. If, for example, they set a policy that says no telecommuting, the execution falls to the City Manager. Smith indicated that Council still has legislative control of policy setting.

Councilmember Allen said that the attorney says they would not have control. Councilmember Smith said the Council can require that policies be brought back to council for review. Councilmember Allen confirmed that no one is interested in micromanaging. Councilmember Smith said that if the concern is if policies exist, and are a directive of the Council, they have the right to review the policies. Allen said that they need to classify which sort of policies the Council wants to set and which ones they want to give to the City Manager, so that it is clear. Smith said that they first need to repeal what's in the ordinance, which would be the resolution and the second reading. Allen suggested that they wait and do it at that time. A vote was taken on the motion, **to postpone this item indefinitely, until the Council decides they want to bring it back.** AYES: Gerber, Allen, McCormick, Schreiber. NOES: Brown, Majkrzak, Smith. ABSENT: None. Resolution fails.

**ORDINANCE REPEALING SECTION 2.70.010, CITY EMPLOYEE MANUAL.** Attorney McDonell said that some action should take place on this item, to have in the record, even though the resolution to repeal the employee manual was tabled indefinitely. **Allen moved to table this item until such time as the Council brings back the resolution repealing the employee handbook.** McCormick seconded the motion. AYES: Gerber, Allen, McCormick, Schreiber. NOES: Brown, Majkrzak, Smith. ABSENT: None. Ordinance fails.

**PRESENTATION REGARDING UTV AND ATV ORDINANCE.** Public Works Director Brad Marquardt stated that the Public Works Committee was asked to look at the Jefferson County UTV/ATV ordinance, and report back to Council. The Jefferson County Highway Commission recommended that no changes be made to the County ordinance. The Public Works Committee talked about opening UTV/ATV usage up to all streets in the City, but had some questions and concerns, and asked Marquardt to reach out to the Department of Natural Resources ("DNR") to have a representative come to a Council meeting to answer questions and concerns.

The DNR representative stated that it is up to municipalities as to whether they allow UTV/ATVs on streets. Historically, they were allowed on streets to connect trail systems in rural areas of the state. The DNR representative stated that according to state statute, tickets for drunk or reckless driving on a UTV/ATV are handled through the DNR system; not law enforcement. The statutes have not caught up with the way the vehicles are being used.

Councilmember Gerber asked for clarification regarding ticketing for a DUI on a UTV/ATV. The DNR representative stated that one issue is that a driver's license is not required to be able to use a UTV/ATV. The driver must have completed a safety certification course. Some municipalities require a driver's license as part of the ordinance. Ticketing for a DUI would be handled through the DNR system. Gerber asked if a local law enforcement officer could write the citation. The DNR rep said they could. The DNR OWI tickets have no effect on your driver's license or insurance rates, no matter how many offenses a person has.

Councilmember Majkrzak asked what sort of safety issues the DNR has seen when all streets have been opened for use. The DNR rep said that most municipalities that allow this are rural and low traffic. Jefferson County and Whitewater are different and he is not sure what the issues will be in a more populated area. The DNR stated that the City may want to include language in the ordinance that has age restrictions for street usage. Majkrzak stated that the City ordinance does include a driver's license requirement.

Councilmember McCormick said that the Jefferson County ordinance requires headlights and taillights. If this is opened up for the entire City, language to that effect may need to be added to the City ordinance, because Walworth County doesn't have a UTV/ATV ordinance.

Resident Neil Hicks, 1254 Tower Hill Pass, stated that he and his family love to use their UTV on trails and roads in Jefferson County. Hicks said that the DNR report is mostly trail or private land based. Hicks states that the City could specify operating hours. He doesn't feel that they present more safety concerns than golf carts or Bird scooters. Hicks said he saw UTVs with plows on the City streets, but he can't drive his to the gas station. Hicks stated that most students could not afford a UTV and we shouldn't let the University dictate all of the city ordinances. Hicks wondered if anyone had reached out to city business leaders to obtain their opinion. Hicks believes that not allowing them on Walworth County city streets discourages tourism. He asked if the Council had reached out to similar cities such as Platteville, which does allow UTVs on city streets, or Stevens Point, which is bringing this item to Council soon. Hicks asked that this be allowed on Walworth County city streets and re-evaluated in a year.

Cold Spring resident, Mark Hoffmann, N1655 Findlay Road, is a member of the Cold Spring Riders Club. He stated that the City doesn't have to wait for Walworth County to allow UTV/ATVs on roads. He noted that the Town of Richmond allows it. The City can specify where they can park if that is of concern. He indicated that the City of Jefferson has opened up all of their streets with speed limits at or below 35 miles per hour. Hoffmann sees this as a great opportunity for the City and said that it would be nice to be able to come into town for gas or food. He doesn't believe the community will be inundated with UTVs. He suggested that the Council allow it for a year and reevaluate it.

Steve Fay, 1180 Bloomingfield Dr., #203, indicated that he is the President of the Cold Spring Riders. He indicated that the interest in UTVs took off during Covid when social distancing was encouraged. Fay said that UTV drivers use them to run errands, use on trails, buy gas, and go out to eat. He stated that other communities are benefitting from UTV usage on city streets and Whitewater should as well.

Councilmember Gerber thanked those who made comments. She stated that Whitewater is unique with the increased pedestrian, bike, and vehicle traffic when the University is in session. Gerber stated that the

burden for enforcement falls on the police department and she does not want to go against their advice or against their concerns. She said that Whitewater has had a three-fold increase in citations for operating after revocation or suspension. Gerber said these vehicles are manufactured to be used off highway. It was noted that Wisconsin is sixth in the country for ATV fatalities in year 2021, with 66% occurring on roads and resulting from speed and/or alcohol. Majkrzak said that the City's ordinance requires helmets and seatbelts for anyone under the age of 16. He stated that he has not gotten any feedback of incidents or complaints about this ordinance. It was moved by Majkrzak and seconded by McCormick, to open the Walworth County City streets to UTV/ATVs, and bring an ordinance back to Council for action. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Allen. NOES: Gerber. ABSENT: None.

**GOVERNANCE POLICY.** Councilmember Gerber referred to page 2 of the policy (section 3, letter c), where it is indicated that the policy section requires Council approval. Gerber believes this is broad in nature and provides guiding concepts to define expectations of the Council. She said that it seems Council is more interested in approving the guidelines and procedures section, which is given to the policy holder, and not even the City Manager, who has the guidelines.

For example, in reviewing the telecommuting policy, the Council decided on 30 days, but if the governance policy were adopted, going forward, Council would have no say in the matter. The policy section seems vague and she feels like, as a Council, that the things being brought forward are from the guidelines section.

City Manager Weidl responded that this is moot. He indicated that the Council tabled all of this indefinitely. Attorney McDonell confirmed that it is acceptable to discuss the subject.

City Manager Weidl said that he will begin enforcing the Employee Manual and go from there. Councilmember Allen asked the City Attorney whether the Council can make a policy on telecommuting. City Attorney McDonell confirmed that they can. McDonell stated that the governance policy is a model for how policy making may be done in the City, and that it's up to the Council to decide and give direction on the proposed Governance Policy.

Councilmember Smith said that the Employee Manual has a date of May, 2010 but the Governance Policy has an issue date of 2011. She wondered if it has been in effect for over a decade. City Manager Weidl said he didn't know.

Councilmember Smith made a motion that Council be provided a list of the policies that were issued in 2010, as well as those that were completed later, and provide those policies to Council for review. City Manager Weidl said that CVMIC will look at all of the policies and give their opinion on which are out of date, which need changes and if there are any gaps. City Manager Weidl indicated that policy review is a service the City receives from CVMIC as a benefit of the City's insurance coverage.

City Attorney McDonell asked whether the police department and fire department policies are included. Smith said they are not. In response to a request for Smith to re-state her motion, Smith moved to request city staff to provide the policies approved in 2010, which were done after that date, determine whether they were acted on by Council, and have the policies provided to the Council for review, as well as to CVMIC for their review. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None. City Manager Weidl said that if during this process he finds anything odd, he will call the Council President and bring it to Council for guidance.

**DISPOSITION OF THE MRAP VEHICLE.** Police Chief Meyer stated that the City of Cudahy City Council has approved the acquisition of Whitewater's MRAP vehicle. The vehicle will be transferred at no cost to the City. Meyer is requesting approval to invoice the City of Cudahy \$969.94 for items installed by

the Whitewater Police Department to make the MRAP serviceable. These items include LED lights, rifle rack, shotgun rack, and siren box. If approved, action to transfer the vehicle should begin in a couple of weeks. It was moved by Brown to approve the disposition of the vehicle to the City of Cudahy and invoicing the City of Cudahy for \$969.94. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**GRANT FOR PURCHASE OF BODY CAMERA EQUIPMENT.** Chief Meyer stated that the police department currently has a five-year contract with Axon and Evidence.com for body camera equipment and online storage of footage. This contract ends on December 31, 2023. Meyer plans to have a Capital Improvement Plan request in the next budget for body camera equipment. Captain Vander Steeg has located a grant opportunity for body camera equipment through the Bureau of Justice Assistance and Justice and Security Strategies. This grant requires a one to one match for anyone receiving the fund. Meyer indicated that the police department has applied for \$30,000 through this grant. Meyer acknowledged that this should have come before Council prior to application being made, and stated that if the Council does not give its approval, the application can be withdrawn. The money would be used for body camera equipment associated with any new contract they enter into. Weidl asked if it was necessary to enter into a contract. Meyer stated that in today's world, it is basically mandatory to have body cameras. Majkrzak said that in the application it lists three criteria that need to fit in order to apply. He asked if it is only necessary to fit one criterion; not all three. Meyer confirmed that was correct. Majkrzak moved approval of the grant submission to purchase body camera equipment. Schreiber seconded the motion. Allen asked if it was still necessary to use Axon for storage with our new IT employee and the consultant that is being used. Meyer stated that as part of the contract, cloud storage is required with Axon. That is the only way the contract is offered. Meyer indicated that Watchguard, another company that offers body cameras, offers on-site server storage as well as cloud storage. He said it would depend on cost and how retention integrates. Allen stated that he was comfortable that Meyer is watching costs and making comparisons. AYES: Majkrzak, Allen, Schreiber, McCormick, Brown, Smith, Gerber. NOES: None. ABSENT: None.

**COMMUNITY SUSTAINABILITY SURVEY.** Neighborhood Services Director, Chris Bennett, stated that a Community Sustainability Survey was completed through the Office for Land Use, in conjunction with UW-Stevens Point and the UW-Madison Extension. This survey requires no action on the part of the Council and there is no cost involved. This is strictly for information. Smith stated that if a strategic plan is pursued, she would like to see any issues brought forward in this survey to be addressed in the strategic plan.

**EXTINGUISHING STREET LIGHTS IN THE BUSINESS PARK.** Director of Public Works, Brad Marquardt, stated that extinguishing the street lights was included in the budget, but WE Energies has told the City that they won't allow the lights to be turned off. The only lights that may be extinguished are the ones that are owned by the City. These are in the Business Park. This matter has gone before the CDA and they are not in favor of turning off the lights in the Business Park. The savings would be \$5,000 as opposed to the estimated saving of \$50,000 included in the budget. Staff does not support turning off the lights. Marquardt stated that he is looking for approval to not follow this directive. Majkrzak said that the savings is still \$5,000. What is the thought for not doing it? Councilmember Smith stated that safety is one concern brought up at the CDA meeting, for people walking to and from work in the dark. Smith said that there have been concerns raised by citizens as well. Allen stated that it is also unwelcoming to the businesses. McCormick moved to *not* extinguish the lights in the Business Park. Allen seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**AGREEMENT BETWEEN STATE OF WISCONSIN AND CITY RELATING TO WALWORTH AVENUE STREET REPAIRS, FROM JANESVILLE STREET TO ROCK COUNTY.** Director of Public Works Marquardt stated that last summer application was made for federal infrastructure money. The City has been awarded funds for Walworth Avenue. The project would consist of pulverization,

repaving with asphalt, making pedestrian ramps ADA compliant, and spot replacement of curb, gutter and sidewalks. The agreement is an 80/20 split. The federal government pays 80% of the cost and the City pays the other 20%. This project is for repaving Walworth Avenue from Janesville Street to the Rock County Line. The cost of the project is estimated to be \$2.7 million. \$2.1 million would be federal funds, and just over \$580,000 would be paid for by the City. The construction timeline is in 2025, so this will be put in the 2025 budget. Approval is needed now to sign the agreement. Majkrzak asked if these figures were just for construction or if they included design. Marquardt stated that they were for only construction; the design would be the City's responsibility. Marquardt added that if approval is granted, he would reach out to have a task order completed for the design and then bring that to Council. Councilmember Brown asked if this included repainting crosswalks, to make it safer for children going to school. Marquardt said that all the lines would be painted, as it will be new asphalt, and he could talk to the DOT about additional painting or signage. Smith asked that, in the future, Marquardt communicate to the public what the grant is saving the taxpayers. Allen moved approval of the agreement. Schreiber seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

**AGREEMENT BETWEEN STATE OF WISCONSIN AND CITY RELATING TO ASPHALT REPLACEMENT ON INNOVATION DRIVE.** Director of Public Works Marquardt stated that this is part of the same program as the Walworth Avenue project. This would consist of pulverization and repaving with asphalt, and spot replacement of curb and gutter. There are no sidewalks in this area. The total cost is estimated at \$470,000. The State portion is \$360,000, the City's is \$92,000. This does not include the design. Allen moved to approve the agreement. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**ACKNOWLEDGEMENT OF AGREEMENT BETWEEN STATE OF WISCONSIN AND TOWN OF WHITEWATER AS IT RELATES TO ASPHALT REPLACEMENT ON HOWARD ROAD.** Director of Public Works Marquardt indicated that this is the same program as Walworth Avenue and Innovation Drive. The difference is that the Town of Cold Spring took the lead on this application, as the road is in both the City and the Town. The total cost of the project is \$775,000. The State portion is \$608,000, and the City and Town would split the remaining \$167,000 equally. The Town is concerned that the design and construction costs will be significantly higher for the 2025 construction timeline. The DOT has money available and would like to move the project up and do it this year. Town Chairman Hoffmann will recommend to the Town Board to not accept the award. Marquardt is looking for a vote to approve going along with the Town, whichever direction they choose. Smith asked how the design costs would be split. Marquardt said that they would be split equally with Town of Cold Spring. Weidl asked if there was any other option. Marquardt stated that he is alright with either way the Town would choose. Allen asked if the City could go ahead even if the Town said no. Marquardt said no. It was moved by Allen and seconded by Marquardt to go along with the Township with regard to replacement of asphalt on Howard Road. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

**EXTENSION OF PROPERTY X LLC DEVELOPMENT AGREEMENT CONSTRUCTION DEADLINE.** City Manager Weidl stated that the Development Agreement with Property X has construction deadline of March 29, 2023 that states if the developer hasn't completed their building by that date, the City has the option to repurchase the property. Weidl said that the best option would be to extend the deadline. The developer is in the process of building, and if the deadline is not extended, and they don't finish building and the City opted not to repurchase the property, the City loses its leverage. Weidl said that he has spoken to all participants and was told that they did not hit their target date for getting permits and plan to finish construction. The CDA is in favor of extending the deadline. Allen moved to extend the deadline. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**APPOINTMENT OF COUNCILMEMBER REPRESENTATIVE TO FINANCE COMMITTEE, DUE TO LUKE SCHREIBER'S RESIGNATION FROM THE COMMITTEE.** City Manager Weidl asked that the Council accept the resignation of Councilmember Schreiber from the Finance Committee and nominate a replacement. Majkrzak moved to approve Schreiber's resignation and nominated Gerber as a replacement to the Finance Committee. Allen seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**APPOINTMENT OF COUNCILMEMBER TO SERVE ON CITY OF WHITEWATER/ WHITEWATER UNIFIED SCHOOL DISTRICT JOINT BOARD, RELATING TO AQUATIC CENTER MANAGEMENT.** City Manager Weidl said that Councilmember Allen has volunteered for this position and Weidl asked that there be a motion to approve Allen for the position. Weidl said that there are three school representatives and there should be three city representatives. McCormick moved to appoint Councilmember Allen to serve on the Joint Board relating to the Aquatic Center Management. Schreiber seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Brown. NOES: None. ABSENT: None. ABSTAIN: Allen.

**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.** Director of Public Works Marquardt said that the proposed easement runs from Walworth Avenue south across three properties. Easements have been obtained from the northern two property owners, and Marquardt has been working since 2019 with the Dalees to find an amiable solution that would not have the pipe go through the middle of their property. Marquardt stated that he believes they have come to a verbal agreement through attorneys and have given an agreement to Mr. Dalee to sign. Marquardt anticipates him signing the agreement. Marquardt would like the Council to approve the easement contingent on Mr. Dalee providing a signed agreement. Allen moved to approve the easement contingent on Mr. Dalee signing the agreement. Schreiber seconded the motion. Majkrzak asked if it was normal that the City pay for easements and asked about attorney fees. Attorney McDonell stated that he wasn't sure what the attorney fees were going to be. An eminent domain specialist needed to be brought in for this. McDonell said that sometimes easements are given to cities, but in this case, the Dalees are planning to sell or develop this property, and the easement affected how the property could be developed. Majkrzak asked if the attorney fees would be less than \$15,000. McDonell confirmed that they would. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**REMOVAL OF CDA BOARD MEMBER, JAKE GILDEMEISTER, FROM THE COMMUNITY DEVELOPMENT AUTHORITY BOARD.** This item was removed from the agenda, due to a resignation being received after the agenda was posted.

**STRATEGIC PLANNING OPTIONS, AND REQUEST FOR DIRECTION REGARDING THE SAME.** City Manager Weidl stated that he contacted UW Extension and CVMIC, and CVMIC provided some correspondence regarding the differences in what they provide versus what UW Extension can. Weidl asked UW Extension to remove the communications training, as was requested by Council. He has provided the Council with the revised proposal with two samples from UW Extension to illustrate their research. Weidl is asking Council to support and participate in a strategic planning process. The funding has already been approved. Brown moved to approve strategic planning with UW Extension, at a cost not to exceed \$8000. Majkrzak seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**FUTURE AGENDA ITEMS AND/OR FUTURE POLCO QUESTIONS.** Allen would like to see the telecommuting policy on a future agenda.

**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”. 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.** AYES: Majkrzak, Allen, McCormick, Schreiber, Brown, Gerber, Smith. NOES: None. ABSENT: None. The meeting adjourned into closed session at

**RECONVENE INTO OPEN SESSION.** The meeting reconvened, upon unanimous voice vote motion, made by McCormick and seconded by Allen.

**AGREEMENT FOR LEGAL SERVICES WITH HARRISON, WILLIAMS AND MCDONELL.** Allen moved to retain the firm of Harrison, Williams, and McDonell with the lead attorney to be Jonathan McDonell. McCormick seconded the motion. AYES: McCormick, Smith, Majkrzak. Schreiber, Gerber, Allen, Brown. NOES: None. ABSENT: None.

**ADJOURNMENT.** Schreiber moved to adjourn the meeting. Allen seconded the motion. Motion passed on a unanimous voice vote. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

Irvin L. Young Memorial Library  
431 W Center St  
Whitewater WI 53190  
Board of Trustees Regular Meeting  
Online Virtual Meeting  
Monday, January 18, 2023, 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, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Absent: Brienne Diebolt-Brown

Staff: Stacey Lunsford, Diane Jaroch

Guests: John Marshall, Tincher Realty

2. Consent Agenda

- a. Approval of Minutes Approval of the minutes of the regular meeting on December 19, 2022\*
- b. Acknowledgment of Receipt of Financial Reports\*
- c. Acknowledgment of Payment of Invoices for December 2022\*
- d. Acknowledgment of Receipt of Statistical Reports for December 2022\*
- e. Acknowledgment of Receipt of Treasurer's Reports\*

MSC Anderson/Orlowski to approve the Consent Agenda without the December Board Meeting Minutes.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: None

- In December's Minutes under New Business, it was noted that the RFID tagging *may be* required by the State in the near future; this hasn't been officially mandated yet. The Minutes were updated to reflect this.

MSC Anderson/Berndt to approve the December Board Meeting Minutes as corrected.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: None

### 3. 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.

### 4. Old Business

#### 4.1 Old Business

RESOLUTION APPROVING THE SALE OF REAL ESTATE LOCATED AT 424 FOREST AVENUE, WHITEWATER, WISCONSIN

- Since the resolution is only for the property at 424 Forest Ave., John Marshall will follow up with the City attorney regarding the resolution for the second property sold at 414 and 414A Forest Ave.

MSC Retzke /Andersen to approve the resolution for the sale of real estate located at 424 Forest Avenue, Whitewater WI

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

### 5. New Business

#### 5.1. 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 407/409 West Center Street and 413 West Center Street, Whitewater.

MSC Weigel/Retzke to move discussion of the properties for sale to closed session.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

MSC Orlowski/Retzke to move out of closed session.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

5. II. Review and Possible Action on Sales of Library Properties Following the executive session, the Library Board will vote on whether to accept any of the submitted proposals or none.

MSC Andersen/Retzke to accept the two highest offers as given for the Library Property 407/409 West Center Street and 413 West Center Street, Whitewater but will counter with a closing date of Feb. 21, 2023.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: none

5. III. Review and Possible Approval of Strategic Plan Activities For 2023 ~ see Attached

- Under Strategic Goal 2, the board suggested adding a bullet point that connects with the Land Acknowledgement Statement's Action Plan.
- A suggestion was made for the library to collaborate with local schools to provide opportunities for students to visit the library and explore its resources.
- Alyssa shared that she can provide resources and contacts to local LGBTQ+ organizations.
- Stacey will bring a revised Strategic Plan to next month's meeting for approval.

5. IV. Review of And Possible Action on Letter and Action Plan Regarding Land Acknowledgment Statement, Requested by Weigel ~ see attached

- Jaime updated the board on the year-long process of creating the Land Acknowledgement Statement with staff librarian, Sarah French.

- They are seeking feedback on the documents and guidance from the board about how the letter should be signed.
- It was agreed that all board members will sign the letter individually. Jaime will bring copies of the letter to next month's meeting to sign. She will stop by the middle school to obtain signatures from members who attend meetings virtually.

5. V. Review and Approval of The Draft Revision of The Photo Collection Policy

- The Achen photo collection policy does not specify that one may pay with cash. I have made that revision. Request approval.

MSC Weigel/Orlowski to approve the revised photo collection policy.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: None

6. Staff & Board Reports

7. I. Director's Report ~ see attached

- Apple Meeting - state annual report will be opened for input on the 24th
- Stacey asked the treasurer of the Friends group for 80% of the balance which is \$4,625.
- Jodi Sweeney is requesting that the entire board donate to the campaign, *any* amount is acceptable. Members can send a check to the Whitewater Community Foundation.
- Information is available on the library's website for the 100 extraordinary women campaign.

7. II. Adult Services Report ~attached

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

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 - Jennifer (will report next month)
2. Here to Stay: Recruiting & Retaining Dedicated Library Workers - Jaime
  - Main emphasis of the training was to place value on the staff that the library already has and to make the library a desirable place to work. The webinar also discussed ways to recruit widely and eliminate barriers to the application process.

7. 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.

Confirmation of the next meeting on February 15, 2023, at 6:30 p.m.

9. Adjournment into Closed Session I. Adjournment into Closed Session NOT TO RECONVENE per Wisconsin State Statute 19.85(1) (c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Item to be discussed: a) Performance evaluation for the Library Director

MSC Andersen/Berndt to approve moving into closed session not to reconvene.

Ayes: Doug Anderson, Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Nays: None

Comments in the Chat Box:

- None

Minutes respectfully submitted by Jaime Weigel on February 4, 2023

CITY OF WHITEWATER  
PLAN AND ARCHITECTURAL REVIEW COMMISSION  
IN-PERSON AND VIRTUAL MEETING  
6 p.m. Jan. 9, 2023

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL ACTIONS OF THE PLAN AND  
ARCHITECTURAL REVIEW COMMISSION**

**Video: <https://vimeo.com/790239101>**

**1. Call to Order and Roll Call**

Chairperson Tom Miller called the meeting to order at 6 p.m.

PRESENT: Miller, Neil Hicks, Brienne Brown, Andrew Crone, David Stone, Sherry Stanek and Bruce Parker.

**2. Hearing of Citizens Comments**

None

**3. Review and Approval of Minutes: December 12, 2022**

Stanek moved for approval of the minutes. Brown offered a second. Passed unanimously.

**Video: 1:15**

- 4. Review and possible approval of a Certified Survey Map for the Division of Land: Lot 1 and Lot 2 of Certified Survey Map No. 1258 recorded in the Walworth County Register of Deeds in Volume 6, Page 27 as Document No. 86351 and part of the Southwest 1/4 of the Northwest 1/4 of Section 5, Township 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin being more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 5; thence North 88°-02'-02" East along the South line of said Northwest 1/4, a distance of 299.88 feet; thence North 00°-05'-28" West, a distance of 35.02 feet to the North right-of-way line of Main Street and the point of beginning; thence continuing North 00°-05'-28" West along an East line of Certified Survey Map No. 1709 recorded in the Walworth County Register of Deeds Office in Volume 8, Page 102 as Document No. 164059, a distance of 354.12 feet; thence North 88°-02'-02" East along said East line, a distance of 10.00 feet; thence North 00°-05'-28" West along said East line, a distance of 443.86 feet; thence South 88°-10'-04" West along the North line of said Certified Survey Map No. 1709, a distance of 29.38 feet; thence North 00°-05'-28" West, a distance of 437.37 feet; thence North 88°-03'-49" East along the westerly extension of the North line of Lot 2 of said Certified Survey Map No. 1258 and said North line, a distance of 268.89 feet to the Northeast corner of said Lot 2; thence South 00°-02'-17" East along the East line of said Certified Survey Map No. 1258, a distance of 1,235.32 feet to the North right-of-way line of Main Street; thence South 88°-02'-02" West along said North line, a distance of 248.37 feet to the point of beginning and containing 7.149 acres (311,402 sq. ft.) of land more or less.**

Pulled from consideration per the request of the petitioner, City Attorney and Neighborhood Services Director.

**Video: 1:40**

**5. Public hearing for consideration of a Conditional Use Permit for a proposed Event Venue located at 183-187 W Main Street, Parcel ID#/OT 00070 for Stonegate Management LLC (Gregory Aprahamian):**

Petitioner appeared on his behalf. Stanek, moved, with a second from Brown, to approve the Conditional Use Permit application with the planner's recommendations – except for point No. 7, which stipulates any truck deliveries must occur during weekdays.

**Video: 2:05**

**6. Next Plan and Architectural Review Commission Meeting: February 13, 2023**

**Video: 37:40**

**7. Adjourn:** Stanek moved, with a second from Brown, to adjourn. Meeting adjourned at 6:38 p.m.

Respectfully submitted,  
Chris Bennett  
Neighborhood Services Director



Public Works Committee  
Tuesday, January 10, 2023  
6:00 p.m.  
Cravath Conference Room  
Municipal Building - 2<sup>nd</sup> Floor  
312 W Whitewater St  
Whitewater, WI 53190

### MINUTES

**1. Call to order and roll call.**

The Public Works Committee Meeting was called to order by Allen at 6:00 p.m. The meeting was held at the Municipal Building in the Cravath Conference Room on the 2<sup>nd</sup> floor.

Present: Gerber, McCormick, Allen  
Others: Brad Marquardt

**2. Approval of minutes from December 13, 2022**

A motion to approve the minutes from the December 13, 2022, meeting was made by McCormick and seconded by Gerber.

AYES: All via voice vote (3)  
NOES: None

**3. Hearing of Citizen Comments**

There were no citizens comments at that time.

**4. New Business**

**a. Discussion and Possible Action regarding the Final Starin Park Water Tower Structural Analysis Report.**

Marquardt reported at the last meeting the report was reviewed and comments were recorded. This information was taken back to McEnroe Consulting Engineers (MCE). These recommendations were incorporated into the final report. The Final Report outlines a possible phased approach to the suggested maintenance, a cost for demolition, and expected life extension with additional maintenance. As mentioned at the December 2022 meeting, the water tower is generally in good to fair condition and structurally stable.

The overall maintenance cost, in 2023 dollars, is estimated between \$950,000 and \$1,100,000. A phased approach is estimated to cost \$1,500,000, or an additional 30%, or higher if more deterioration has taken place. Also, to be noted is the continuation of ongoing maintenance, mainly with repointing of mortar joints. An estimated cost to repoint 5% of the joints is \$110,000, which would be maintenance on the tower. An estimate of \$610,000 was included in the final report for demolition. According to the PSC, this is money the Water Utility could put toward this project. This estimate is important in that the PSC has indicated the Water Utility rate payer funds can only be used for maintenance up to the estimated cost of demolition. The remaining costs must be covered using different funding sources. This phasing was centered around the demolition money with Phase 1 work, concentrating on the two

top tiers. Phase 2 would consist of the remainder of the exterior work. Phase 3 would consist of the interior work (repointing of the mortar joints.) The phase work would be every two years raising the cost of the project to about \$1,500,000.

James Olm, 1180 Bloomingfield Dr., #304, stated he hoped when people are deciding what to do with the structure they would definitely weigh the historical importance of it being a landmark in Whitewater. He firmly believes it is important to many people in the town of Whitewater. He would encourage, before there would ever be a hasty decision made just to save money, there be an investigative process regarding what possibilities would exist to create funding to preserve the landmark.

Kori Oberle, 688 Waters Edge Dr., stated she was at the meeting to get a sense of where the three Council members are at with this tower. She commented it's a huge amount of money, a very community valued icon, while in a very difficult time in our economy. Therefore, it's a very difficult question to answer, or decision to make.

Pat Blackmer, 445 W. Center St., stated she was also attending the meeting to listen. She hopes the members weigh every possible aspect of this project. It is a very important icon to Whitewater, and there are other possibilities if they are considering demolition that could save the water tower.

Carol McCormick asked Ms. Oberle if there were any grants available for this type of preservation? McCormick thought Fort Atkinson had preserved their water tower. Ms. Oberle stated it was started 15 - 20 years ago and the cost was still a \$1,000,000. She thinks the majority of that money was raised privately. Ms. Oberle stated there are a few state and federal funds for restoration at a municipal level. The best chance is to figure out a new exciting use for the tower and approach the Jeffris Family Foundation in Janesville. It was mentioned this foundation only does matching grants.

McCormick asked if it was possible to add an informational question to the ballot at the next voting time? Would the citizen be in favor of keeping the tower or not? It would be a non-binding question. It would be a way to get more opinions as she hears comments from citizens both ways. Marquardt stated he would ask Smith about this option and if the deadline has already passed to get it on the spring ballot.

Pat Blackmer commented to Marquardt, according to the MCE report, it seems as if there really is no true immediate need to decide right now. She stated it's not going to fall down tomorrow. Marquardt stated the report stated it's in a safe condition. The report did indicate the longer the City waits, the possibility of more extensive and expensive work exists. Blackmer asked Marquardt what his recommendation would be at the next Council meeting. Allen stated that is what is being discussed right now.

Gerber commented MCE stated on #1 for recommendations to engage a tank inspector to review the conditions as the water has been emptied. She asked if that was included in the price. Marquardt stated it is an additional cost and he already reached out to a company who has inspected our tank before for DNR reports. He has not received the written report yet. Verbally it was said the steel was in very good condition. Gerber stated we would not have to do this again for an additional charge and Marquardt agreed. Gerber also had a question on repointing of mortar joints, page 34, and the estimated 5% added to the cost. How often does this need to be done? Marquardt stated the way he is reading it is that with the work done now, it wouldn't need to be done for another 30 to 40 years. Some maintenance, the mortar joints (5% of them), may need some maintenance work by 2040 at a potential cost of \$250,000. Gerber continued with another question - under page 33, Phase 1, it was mentioned the Water Utility could cover \$600,000 max - meaning that would be the demolition costs? Marquardt stated we do not

have that money right now. We would have to budget or borrow for that cost. Gerber asked what projects were coming up on the years that are listed: 2024, 2026, 2028? The question asked of Gerber is can we fit in \$1,500,000? Gerber stated there is a \$3,000,000 library project coming up, the integration of the Fire Department and EMS (with the possibility of more capital costs), which she is not sure if the referendum covered those costs. In addition, the City garage and Marquardt stated we are obligated to the upgraded radios for police, fire and DPW. Gerber stated with the referendum being approved, there is already an increase, every year, going forward until the City has enough to cover the Fire and EMS departments. It may or may not cause an increase next year. Marquardt stated the only money the City has obligated is for the library and the City told the County to go ahead and put in for the upgraded radios. Beyond that Marquardt stated, they have department budget items proposed in the next five years, but nothing that has been acted upon. Gerber stated listening to the people at the meeting, which the Council appreciates them coming, the common theme was for historic value (and the only theme) for keeping the tower. As for use of the City, it is not holding water and it's not serving any other purpose besides a historic value. You have to weigh that with the money and everything else. Gerber stated because the report stated it is in safe condition, and no decision needs to be made right away, she would be in favor of postponing any decision being made right now. Hopefully, during that time maybe grants or other things would surface.

Allen asked if besides the age of the water tower, is there any other historical significance about it? Allen directed the question to Ms. Oberle. Ms. Oberle stated it is one of the oldest water towers in the state, but its value is more locally received. It is the best example of masonry construction in Whitewater. It does have an economic value as well at the time of the spirit tour and cultural heritage tour in Wisconsin. Allen stated he thinks the committee should pass this on to the Council and let them know it's okay for thirty to forty years. In addition, letting the Council know they need to find some kind of a significant use for the tower that benefits the entire community, if the City is going to keep it up. Marquardt made a correction to Allen's statement. Marquardt stated the water tower would only be good for 30 to 40 years with the \$1,000,000 work done to it. He also stated a non-binding question on a ballot might be a good idea.

Marquardt stated he will bring this item to the second Council meeting in February.

Kori Oberle asked when the City decides to either tear it down or fix it, rather than putting the entire burden on the tax payers, there may be other ways to go forward. There are a lot of models out there in other communities our size and in our situation. It would be creating a campaign committee with a number of people that would raise private donations and seek grants. They would then work with the City to determine what the City contribution would be for tax dollars.

- b. Discussion and Possible Action regarding UTV/ATV use on all city streets in the City of Whitewater.** 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 is to 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.

Marquardt stated the Jefferson County Highway Committee recently met and made a recommendation to leave the ordinance in place without any adjustment. Additionally, it has been requested with the review of the current City ordinance that the Council consider allowing UTV/ATVs on all City streets that are in Walworth County also. Therefore, Marquardt requested the Public Works Committee review the current ordinance to see if they want to adjust the current ordinance to include Walworth County.

Allen asked about the use of golf carts on streets. Marquardt stated there are two separate ordinances regarding UTV/ATV and golf carts. The golf cart ordinance was recently passed through the Common Council.

McCormick commented when she requested the ordinance from Jefferson County it was very vague. She asked if Jefferson County allows UTVs and ATVs on all City streets or are there designated routes? Marquardt stated to his understanding it is only on county highways, and it would be up to the cities to designate routes if they wanted to.

After concerns from the committee members regarding this item, Marquardt recommended this ordinance of UTVs/ATVs be brought to Council, in a non-ordinance format, for more discussion. It was suggested to contact the DNR for representation at a Council meeting as well.

**c. Discussion and Possible Action regarding Verizon’s inquiry to lease ground and water tank space for telecommunications equipment.**

In December 2022, City staff received a request from Mountain, LTD on behalf of Verizon Wireless inquiring about the possibility of leasing ground and water tank space for the installation of new telecommunication equipment at the new Southwest Elevated Tank. They are proposing monthly rent payments of \$2,500 in exchange for a 100’ x 100’ ground space area. The request is for an initial lease term of five years with nine additional five-year renewal terms. The rent escalator includes 10% per term (term being five years).

Verizon’s proposal of \$2,500/month would equal \$30,000/year for the first five years. With the escalator per term and a full 10 terms (50 years), the total payment to the Water Utility would be \$2,390,613.69. For comparison, the City’s current lease with T-Mobile (formerly Sprint) on the Cravath Elevated Tank is currently yielding \$18,662/year. The Sprint lease is in the final renewal term of an overall 25-year period. The lease ends in July 2024. Whitewater Wideband is also located on the Cravath Tower. This rate escalates two percent every year. Their current payments are as follows:

2021: \$7,416.00  
2022: \$7,638.48  
2023: \$7,867.63  
2024: \$8,103.66  
2025: \$8,346.77

Strand reviewed the initial inquiry letter and provided some comments. In general, the lease term is fairly typical, but is open to negotiations, the proposed leased area seems to be more than what would be needed, and the escalator of 10% is fairly typical. The rent amount is within the range they have seen, but is very dependent on site and location availability.

Staff recommends the Public Works Committee approve moving forward with leasing space to Verizon and send to the full Council to discuss negotiation terms in closed session, if warranted.

Dave Stone, 303 W. Ann St., asked where the money goes from the use of the City’s towers? Marquardt stated the monies go to the Water Utility Fund. Allen thought it went to the general fund. Marquardt stated he will check with Hatton to see where this money actually goes.

**d. Discussion and Possible Action regarding Tank Asset Management Program for the new Southwest Water Tower.**

Marquardt stated 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 10 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 10 years would include bringing the condition of the tower and coatings to like new conditions. Items included are overcoat painting of the exterior with appropriate surface preparation, blast and recoat the interior of the tank, and any damage to the tank is repaired, and any appurtenances would be brought up to the current standards.

The 10-year total of \$360,763 is broken into 10 approximately equal payments. The Year 1 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.

Marquardt stated 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.

Gerber made a motion to recommend the approval of the Tank Asset Management Program to the full Council and seconded by McCormick.

AYES: McCormick, Allen, Gerber. NOES: None. ABSENT: None.

**e. Update on Bipartisan Infrastructure Law (BIL) awarded streets: Walworth Avenue, Innovation Drive, Howard Road.**

The City submitted a number of applications for both Surface Transportation Program (STP) – Urban, and STP – Local projects through the Bipartisan Infrastructure Law (BIL). The City was notified in September 2022 that Walworth Avenue from Janesville Street west to the County line was selected as a STP – Urban project and Innovation Drive from Howard Road to Technology Drive was selected as a STP – Local project. The City also teamed with the Town of Cold Spring to submit an application, on the Town's behalf, for Howard Road from State Highway 59 south to the County line. This project was also approved as a County STP – Local project.

Staff recently reached out to the State and found out all three projects are tentatively scheduled for construction in 2025. The City should be receiving the State Municipal Agreement with more information in 2023. Action will be required at that time to proceed with the projects.

**f. Discussion and Possible Action regarding Strand Task Order for the design of a Water Storage Building adjacent to 308 N. Fremont Street.**

Marquardt stated included in the 2022-2023 CIP budget was the construction of a new storage building for the Water Department. Staff investigated designing and bidding this project in-house, but after discussions with Strand and our Building Inspectors, staff decided it would be best to have it designed by a professional. City staff does not have the knowledge to navigate state building codes and produce state approved plans. Additionally, change orders during the construction phase could be much costlier than hiring a professional upfront to develop the plans.

The estimated cost from Strand is \$90,000 based on an hourly rate. This will also include looking at a parking lot that needs to be paved and a driveway that goes to the new building. Therefore, there were

some additional design costs associated with this amount. McCormick asked if the garages were coming down. Marquardt stated that is part of the construction project.

Dave Stone, 303 W. Ann St., commented the City does spend a lot on consulting fees. At some point, he wishes this body would look at various consultants, so they would know if they are getting a good deal or not. Allen stated they have looked at various consultants in the past and the problem is that Strands knows our City, which is a cost benefit to us.

After much discussion about the high price of Strand, Allen moved to approve the Strand Task Order for the design of a Water Storage Building adjacent to 308 N. Fremont St. and seconded by McCormick.

AYES: Allen McCormick. NOES: Gerber. ABSENT: None.

#### **5. Future Agenda Items**

Marquardt stated he had one future agenda item that came in regarding business owners/employees. They would like to have parking spaces in the downtown area, more so in front of their businesses rather than where they are designated at this time.

#### **6. Adjournment**

McCormick moved to adjourn the Public Works Committee meeting at 7:08 p.m. and seconded by Gerber.

AYES: All via voice (3)

NOES: None

Respectfully submitted,

Alison Stoll, Administrative Assistant  
Department of Public Works



## Council Agenda Item

Meeting Date: February 23, 2023

Agenda Item: ATV-UTV Ordinance Amendment

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

### BACKGROUND

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

At the February 7, 2023 Council meeting the Council discussed the current ATV-UTV ordinance which only allowed the use of the vehicles on City streets in Jefferson County. Additionally, the Council discussed the option of opening up all City streets to ATV-UTV use. Ultimately the Council asked the City Attorney to draft an ordinance which would allow the use of ATV-UTV on all eligible City streets in both Jefferson and Walworth County.

### 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. The Council discussed this matter at their February 7, 2023 meeting and asked for an ordinance to allow the use of ATV-UTV on city streets in both Jefferson and Walworth Counties.

### FINANCIAL IMPACT

(If none, state N/A)

There will be a small cost to buy and install signage on streets leading out of the City where the use of ATV-UTV's are prohibited in surrounding communities.

### STAFF RECOMMENDATION

Staff has no recommendation.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Ordinance Amendment
2. Ordinance Amendment redlined to show updates

ORDINANCE No. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 11.45  
Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV)  
on City of Whitewater Streets Located (Excluding City Streets Located Within the  
Boundaries of the University of Wisconsin – Whitewater Campus)**

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

SECTION 1. Whitewater Municipal Code Chapter 11.45, is hereby amended to read as follows:

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

11.45.020     **Applicability and Enforcement.** The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at times referred to as City Streets, in the City of Whitewater, Wisconsin (except City streets located within the boundaries of the University of Wisconsin - Whitewater campus) and the provisions of this ordinance shall be enforced by the City of Whitewater Police Department.

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 in this Chapter.

11.45.030     **Limitations.** The following limitations apply to all areas of operation designated in this Ordinance:

- (a) 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, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.
- (b) 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.
- (c) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.
- (d) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- (e) ATVs/UTVs operators are required to have applicable liability insurance.

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

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

(h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) 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 section 23.33 (12) Wis. Stats.

(j) 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 specific destination in the City of Whitewater, Wisconsin. Operating ATV/UTV vehicles on City streets for other purposes is prohibited.

#### 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: All streets, roads and highways in the City of Whitewater, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus and portions of streets, roads and highways where the designated speed limit is greater than 35 m.p.h.).

(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.

#### 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 and Walworth County Highway Departments.

(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.

#### 11.45.060 **Penalties.**

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

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

11.45.070 **Severability.**

(a) Should any subsection, 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.

11.45.080 **Maintenance.**

(a) 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.

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

ORDINANCE No. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 11.45  
Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV)  
on City of Whitewater Streets (Excluding City Streets Located  
Within the Boundaries of the University of Wisconsin – Whitewater Campus)**

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

11.45.020 **Applicability and Enforcement.** The provisions of this Ordinance 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 ordinance shall be enforced by the City of Whitewater Police Department.

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 in this Chapter.

11.45.030 **Limitations.** The following limitations apply to all areas of operation designated in this Ordinance:

(a) 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, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

(b) 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.

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

(e) ATVs/UTVs operators are required to have applicable liability insurance.

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

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

(h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) 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 section 23.33 (12) Wis. Stats.

(j) 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.

**11.45.040 Routes.**

(a) Any modification to the routes designated for ATV/UTV use shall be approved by the Common Council.

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

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(a) Should any subsection, 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.

11.45.080 **Maintenance.**

(a) 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.

~~11.45.090 **Council Review.** This ordinance 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.~~

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:	2/23/2023
Agenda Item:	"Class B" License Applications filed by Casual Joe's and Five Points Mobil
Staff Contact (name, email, phone):	City Attorney McDonell – 473-7900; Michele Smith, Clerk 473-0102

### BACKGROUND

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

In Summer of 2022, Casual Joe's did not renew their alcohol license. The open license was then applied for at year end by Casual Joe's, Bower's House (Greg Aprahamian), and Five Points Mobil. Due to the fact that Bower's House (former White Elephant) could not be sure their event venue project would be completed within the six month guideline, they withdrew their application, leaving two applicants for the one license the City currently has available. The Alcohol Licensing Committee heard presentations from the applicants, and ranked the applications in the order they felt was the best use of the license in the City. They ranked the Five Points Mobil Station (small grill with area to have food and drinks available would be installed) as number 1; then ranked Casual Joe's as number 2.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Alcohol Licensing Committee ranked the applications as: 1) Casual Joe's; and 2) Five Points Mobil. The Common Council has authority to issue or not issue the one remaining license the City has authorized.

### FINANCIAL IMPACT

(If none, state N/A)

The City receives a license fee of \$600 per year for a "Class B" license. No other financial impacts would be experienced.

### STAFF RECOMMENDATION

Police Department and Neighborhood Services did express concerns at the Alcohol Licensing Committee, and the Committee did take those into account as they made their decision. The City Attorney is out of town at the moment, but may be willing to add further information at the council meeting.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Alcohol Licensing Committee Findings of Fact.



4) Both proposed establishments have limitations related to the suitability of holding this license as shown in the memos of Daniel Meyer and Chris Bennett, however both proposed establishments are appropriate to hold a “Class B” License.

5) Due to its location and that there are no other “Class B” licensed premises in the area of its proposed location, Whitewater Petroleum is likely to have a superior economic development impact on the City of Whitewater than Casual Joe’s location.

6) Whitewater Petroleum does not have a Conditional Use Permit allowing the establishment to serve alcohol for onsite consumption, but the business has applied for such a CUP and the application is scheduled to be heard by the City of Whitewater Plan Commission on March 13, 2023.

### **RECOMMENDATION AND RANKING**

Based upon the record made and the above findings, the City of Whitewater Alcohol Licensing Review Committee makes the following recommendation and ranking:

1) That Whitewater Petroleum Co. be granted the available “Class B” Alcohol License with the condition that the issuance of the license is contingent on Whitewater Petroleum receiving a Conditional Use Permit by April 30, 2023 allowing it to sell alcohol for onsite consumption.

2) If the “Class B” License is not issued to Whitewater Petroleum Co., then that the license be granted to Casual Joe’s BBQ LLC.

**Electronically Signed by Gregory Majkrzak**

Gregory Majkrzak, Vice Chairperson  
Alcohol License Review Committee  
City of Whitewater, Wisconsin

**2/13/2023**

Date

## 5.20.027 - Licensing standards for considering new alcohol license applications.

- A. Alcohol License Review Committee Review. All new (as opposed to renewal) applications for open "Class A" sale of intoxicating liquor to consumers in original packages for off premises consumption licenses, and open "Class B" sale of intoxicating liquor to consumers by the glass for on premises consumption licenses, shall be reviewed by the alcohol license review committee (at times hereafter referred to as the ALRC) before the application is acted upon by the common council. The ALRC shall recommend that the council grant, deny, or grant with conditions each license. The common council shall consider the recommendation of the ALRC when considering license applications. The term "open" in this subsection shall mean an application for a license that has not been issued for at least twenty-four hours, and therefore is an open and available license. This section is not intended to apply when a license holder surrenders a license pursuant to a contract to transfer the business associated with the license, and the same license is issued immediately to the purchasing party.
- B. Staff input. The ALRC and the common council shall consider the below listed factors in reviewing and judging the adequacy of applications. Appropriate city staff shall review the application in the context of these factors and report to the committee. The city staff may include the city manager, the police department, the fire department, the community development authority, the city clerk's office, the city attorney's office, the neighborhood services director's office, the department of public works office, and any other staff as deemed necessary or desirable. It shall not be required that all of the foregoing participate in any particular recommendation, rather it is the intent that the make-up of the staff involved be flexible to meet the needs of each particular situation.
- C. Factors to be considered. The ALRC in making its recommendation, and the council in making its decision, shall consider the following factors:
  1. Factors to be considered for reviewing new license applications:
    - a. Economic development considerations. The council finds that while all of the factors listed below are important considerations in licensing issuance decisions, economic development consideration should be a primary factor in the decision. In considering the economic development impact of an application, the ALRC and the council will favor license applications that support important additional desirable development, such as businesses that provide high quality employment opportunities, businesses that provide attractive entertainment opportunities, or establishments that feature high quality restaurants.

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

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

- b. Character of applicant, agent, managerial personnel, and owners.
  - c. Experience of applicant and manager in operating a licensed establishment.
  - d. History of applicant and manager in operation of licensed establishments.
  - e. History of premises.
  - f. Design, type, and size of the proposed establishment.
  - g. Proximity to other licensed establishments.
  - h. Proximity to residential buildings or areas.
  - i. Ability of police department to ensure public safety at this location.
  - j. Condition of building/premises.
  - k. Compatibility of proposed use with the surrounding neighborhood.
  - l. Zoning and land use considerations.
  - m. Likely impact on property values.
  - n. Any other relevant considerations.
- D. Ranking applications. When deciding between applications, those applications which best meet the listed factors shall be judged as superior to other applications. If there are multiple applications pending for licenses, whether the licenses are available or not, the timing of the filing of the application shall not create any preference. If more than one license application is pending for any particular license, the alcohol licensing committee shall recommend which application, if any, in order of priority, should be granted.

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

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WHITEWATER POLICE DEPARTMENT  
INTEROFFICE MEMORANDUM

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TO: Alcohol Licensing Committee

FROM: Chief Dan Meyer

SUBJECT: February 9, 2023 Committee Meeting - Application Review

DATE: February 7, 2023

CC:

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The following information is being provided in order to assist the Alcohol Licensing Committee (ALC) in their consideration of each of the applicants for a "Class B" License. The information is listed in a manner consistent with the factors to be considered by the ALC per Whitewater ordinance 5.20.027(C)(1).

**1) Casual Joes BBQ LLC – Michael Hudec, Agent**, Business Location: 319 W. James Street  
(Owner: Michael Hudec)

*Agent/Owner Considerations: Michael Hudec*

- 5.20.027(C)(1)b – Character of applicant, agent, managerial personnel, and owners.
  - 01/13/2023: Hudec cited for Sale of Alcohol without a License by Whitewater PD. This citation issued after was initially warned on 12/7/22 by Whitewater PD that his license was expired and that he could not legally sell alcohol. Upon reinspection by Whitewater PD and the Wisconsin Department of Revenue on 1/4/23, Hudec was still advertising alcohol for sale. The Wisconsin Department of Revenue confiscated the alcohol on the premise.
  - 11/13/2021: Hudec cited for Junked Auto by Whitewater PD. Citation issued after Hudec failed to come into compliance after being provided with a full 45 days to do so. The vehicle in question was the truck previously used by the business as a smoker.
  - 12/07/2015: Hudec cited for Retail Theft, Disorderly Conduct by Oak Creek PD.

*Property Considerations:*

- 5.20.027(C)(1)e – History of premises

- 01/13/2023: Owner cited for Sale of Alcohol without a License by Whitewater PD.
- 11/13/2021: Owner cited for Junked Auto by Whitewater PD. Citation issued after owner failed to come into compliance after being provided with a full 45 days to do so. The vehicle in question was the truck previously used by the business as a smoker.
- 10/30/2020: Complaint received by Whitewater PD for large amount of smoke around Casual Joe's. Owner confirmed he was smoking for an event the next day.
- 10/18/2019: At 6:09am, Police Department and Fire Department personnel responded to Casual Joe's due to the truck used to smoke meat being on fire. Ultimately it was determined that the fire likely started due to hot material from the stove being placed into a container of ash and grease in the truck.

- 5.20.027(C)(1)g – Proximity to residential buildings or areas

The proposed location is situated in a residential area. The concern from the law enforcement perspective is potential increase in noise and disorderly behavior that often accompanies such establishments.

**2) Whitewater Petroleum Co. – Lisa Long, Agent**, Business Location: Five Points Mobil, 804 Walworth Ave. (Owner: Mobin Ahmad)

Agent/Owner Considerations: Lisa Long

- 5.20.027(C)(1)b – Character of applicant, agent, managerial personnel, and owners.
  - 10/18/2021: Cited for Retail Theft by Whitewater PD.

Property Considerations:

- 5.20.027(C)(1)g – Proximity to residential buildings or areas

The proposed location is situated in a residential area. The concern from the law enforcement perspective is potential increase in noise and disorderly behavior that often accompanies such establishments.

- 5.20.027(C)(1)i – Ability of police department to ensure public safety at this location

The proposed location is situated on the northwest corner of the "5-points" intersection. This is one of the most congested intersections in the City, and license approval would likely worsen the congestion. There is consistent traffic at the business location, typically motorists refueling at the gas station. From a law enforcement

perspective, pairing a business that is primarily related to operating a vehicle (a gas station) with one that primarily relates to consuming alcohol raises concern.

MEMO

DATE: February 9, 2023

TO: Alcohol Licensing Review Committee

FROM: City of Whitewater Neighborhood Services Department

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The following information is being provided in order to assist the Alcohol Licensing Committee (ALC) in its consideration of each of the applicants for a "Class B" License. The information is listed in a manner consistent with the factors to be considered by the ALC per Whitewater ordinance 5.20.027(C)(1).

**2) Whitewater Petroleum Co. – Lisa Long, Agent, Business Location: Five Points Mobil, 804 W Walworth Ave.**

- 5.20.027(C)(1)e – History of premises
  - Five Points Mobil has applied for a conditional use permit scheduled to be before the Plan Commission in March.
- 5.20.027(C)(1)f – Design, type and size of the proposed establishment
  - Five Points Mobil is a gas station that offers convenience, tobacco and alcohol sales. The total square footage of the property is 3,390 square feet.
- 5.20.027(C)(1)g – Proximity to other licensed establishments
  - There is not a close proximity to any other licensed establishments.
- 5.20.027(C)(1)h – Proximity to residential buildings or areas
  - The location for Five Points Mobil is in a residential neighborhood, along with being at the intersection of S. Janesville St & W. Walworth Ave. The location at Five Points Mobil is in close proximity to a total of thirteen residential houses a block in each direction of the intersection.
- 5.20.027(C)(1)j – Condition of building/premises
  - The Department of Neighborhood Services has not received any complaints in recent years about the condition of the building/premises.
- 5.20.027(C)(1)k – Compatibility of proposed use with surrounding neighborhood
  - The compatibility of proposed use for the surrounding neighborhood is low. The Five Points Mobil is at a busy intersection, and in a residential neighborhood, with close neighbors and lots.
- 5.20.027(C)(1)i – Zoning and land use considerations

- The property of the Five Points Mobil is zoned B-1. This zoning would allow the sale of alcohol as it pertains to a Class B Liquor license.
- 5.20.027(C)(1)m – Likely impact on property values
  - There is a chance property values could decrease with this proposed use.

MEMO

DATE: February 9, 2023

TO: Alcohol Licensing Review Committee

FROM: City of Whitewater Neighborhood Services Department

RE: Disposition of property – Casual Joe’s

---

The following information is being provided in order to assist the Alcohol Licensing Committee (ALC) in its consideration of each of the applicants for a “Class B” License. The information is listed in a manner consistent with the factors to be considered by the ALC per Whitewater ordinance 5.20.027(C)(1).

**1) Casual Joes BBQ LLC – Michael Hudec, Agent, Business Location: 319 W. James Street (Owner: Michael Hudec)**

- 5.20.027(C)(1)e – History of premises
  - Casual Joe’s operates under a conditional use permit issued to Hudec and another applicant, Brett Buchanan, dated Sept. 9, 2019.
- 5.20.027(C)(1)f – Design, type and size of the proposed establishment
  - Casual Joe’s is a barbecue restaurant with primarily indoor seating and some room for outdoor seating. The property is 4,054 square feet, per the property card on file with the Neighborhood Services Department and dated 1986.
- 5.20.027(C)(1)g – Proximity to other licensed establishments
  - There are several bars and restaurants that serve food and alcohol in close proximity to Casual Joe’s, the closest being along Whitewater Street north of Casual Joe’s.
- 5.20.027(C)(1)h – Proximity to residential buildings or areas
  - Casual Joe’s is in a residential neighborhood. The concern from a zoning stand point is the uses are incongruous.
- 5.20.027(C)(1)i – Condition of building/premises
  - Since September 2019 the property has incurred the following zoning violations –
    - 9/20/2021 – 8.24 Screen from view – dumpsters
    - 8/27/21 – (8.24) Screen from view – dumpsters
    - 8/27/21 – (7.48) Junk on property/nuisance
    - 7/27/21 – (8.24) Screen from view and (7.22) Tall grass weeds

- 12/18/20 – (12.20.020) – Snow removal
- 3/5/20 – (17.16.010) – Building permit required

Casual Joe's also received letters from the city reminding the proprietors to relocate their smoker, which was a point of compliance in the conditional use application. Per the city's property records Casual Joe's received such letters on

- 3/2/20
- 11/21/19
- 10/24/19
- 9/9/19

Casual Joe's received the letter dated 10/24/2019 following a fire that took place on the premises on 10/18/19 in the apparatus used by the establishment to smoke meat.

Per City Comptroller Karen Dieter Casual Joe's has been assessed \$500 in reinspection fees since March 31, 2019. The Neighborhood Services Department waived the fees on 9/21/21.

- 5.20.027(C)(1)k – Compatibility of proposed use with surrounding neighborhood and 5.20.027(C)(1)l – Zoning and land use considerations
  - The property is zoned B-2 – Central Business District.
  - The city has received numerous verbal and in-person complaints about the condition of Casual Joe's.
  - The complaints range from –
    - issues with the smoke
    - dumpsters not being secured
    - rubbish on property
    - a U-Haul truck previously used to smoke meat being left parked in front of the store for excessively long periods of time.
  - It is the opinion of the city's Neighborhood Services Department that the proposed use of the property as a restaurant is not compatible with the surrounding neighborhood.
- 5.20.027(C)(1)m – Likely impact on property values
  - It is difficult to trace a direct corollary to a decrease in property values due to the presence of Casual Joe's. However, an argument can be made that neighbors might experience difficulty in selling their property due to the restaurant's presence.



## Finance Committee Agenda Item

Meeting Date:	February 21, 2023
Agenda Item:	PSC Water Rate Order Implementation Date
Staff Contact (name, email, phone):	Steve Hatton, <a href="mailto:shatton@whitewater-wi.gov">shatton@whitewater-wi.gov</a> , 262-473-1380

### BACKGROUND

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

The Public Service Commission (PSC) issued its final decision on the water rate case on 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 requires the utility to implement the new rates within 90 days. Rates are typically implemented at the end of a billing period. Three billing period dates that fall within the 90-day requirement are: February 28<sup>th</sup>, March 31<sup>st</sup>, and April 28<sup>th</sup>. As it will take time for staff to implement the new rate structure, March and April are the recommended options.

### 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 15, 2023: PSC Rate Order issued

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April 28, 2023: Target Implementation date – rates effective for water used after this date.

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**FINANCIAL IMPACT**

(If none, state N/A)

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Approved rate increase is expected to 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.

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**STAFF RECOMMENDATION**

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Staff recommends Council approval to implement the new rates effective April 28, 2023. This is the latest billing period end-date that falls within the 90-day implementation period required by the PSC.

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**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

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1. PSC Rate Decision Notification dated 2/15/2023

<b>SERVICE DATE</b> <b>Feb 15, 2023</b>
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## PUBLIC SERVICE COMMISSION OF WISCONSIN

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

Public Service Commission of Wisconsin  
RECEIVED: 2/15/2023 9:05:00 AM**FINAL DECISION**

This is the Final Decision in the Class 1 proceeding conducted by the Public Service Commission (Commission) on the application of Whitewater Municipal Water Utility (applicant) for approval to increase water rates. This application is APPROVED, subject to conditions.

**Introduction**

The applicant applied to the Commission on July 31, 2022 for authority to increase water rates. The Commission authorized the applicant's last conventional rate case (CRC) change in docket 6520-WR-105 in a Final Decision dated June 11, 2020. ([PSC REF#: 391573](#).) The applicant requested the current rate increase due to water utility infrastructure costs arising from capital projects. In 2022, the City of Whitewater sought and obtained approval from the Commission to replace its two 100-plus-year-old reservoirs with a new water tower. This replacement has been on the capital planning horizon for a number of years but was accelerated due to required investment to maintain the aged reservoirs and the availability of ARPA funds to lessen the impact on rate payers. Also, in 2022 there were two street reconstruction projects requiring the replacement of mains/laterals.

The final overall rate change authorized is \$687,376, or a 30.07 percent increase over current rates, for the test year ending December 31, 2022.

Pursuant to due notice, the Commission held an audiovisual hearing on January 26, 2023 before Administrative Law Judge Michael E. Newmark. The parties, for purposes of review under Wis. Stat. §§ 227.47 and 227.53, are listed in Appendix A. The applicant is the only party to this proceeding.

### **Findings of Fact**

1. The applicant's presently authorized rates for water utility service will produce operating revenues of \$2,402,721 for the 2022 test year. These rates fall short of the test year revenue needed by \$687,376 and are unreasonable.
2. The estimated net investment rate base applicable to water utility operations for the 2022 test year is \$13,831,166.
3. The rate changes set forth for water service in Appendix C will permit the applicant to earn the necessary revenue requirement and are consistent with the cost of service and rate design.

### **Conclusions of Law**

1. The applicant is a municipal public utility as defined in Wis. Stat. § 196.01(5)(a).
2. The Commission has authority under Wis. Stat. §§ 196.02(1), 196.03(1) and (3), 196.19, 196.20, 196.22, 196.37(1), (2), and (3), and 196.395 to authorize the applicant to increase water utility rates and revise tariff provisions.
3. The Commission has authority under Wis. Stat. § 15.02(4) to delegate to the Administrator of the Division of Water Utility Regulation and Analysis (Division Administrator) those functions vested by law as enumerated above and has delegated the authority to issue this Final Decision to the Division Administrator.

## Opinion

### Net Investment Rate Base

The estimated net investment rate base for the 2022 test year is as follows:

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 for Pre-2003 Accumulated Depreciation - CIAC	<u>76,490</u>
Net Investment Rate Base	<u>\$13,831,166</u>

### Comparative Income Statement

Commission staff submitted a revenue requirement for the test year as shown in Ex.-PSC-Revenue Requirement. ([PSC REF#: 453726.](#)) The estimated test year income statement showing the effect of the increase in revenue that will result from authorized rates is as follows:

	<u>At Present Rates</u>	<u>Authorized Increase</u>	<u>After Rate Increase</u>
Operating Revenues	\$2,402,721	\$687,376	\$3,090,097
Operating Expenses:			
Oper. & Maint. Exp.	\$1,340,777		\$1,340,777
Depreciation	394,911		394,911
Taxes & Tax Equiv.	<u>441,552</u>		<u>441,552</u>
Total Oper. Expenses	<u>\$2,177,240</u>		<u>\$2,177,240</u>
Oper. Income (or Loss)	<u>\$225,481</u>		<u>\$912,857</u>
Rate of Return	1.63%		6.60%

Commission staff computed the depreciation expense included in the revenue requirement for the 2022 test year using the depreciation rates shown in Appendix E. For purposes of computing the depreciation expense on the average investment for each plant account, these depreciation rates are effective as of January 1, 2022.

### **Capital Structure**

The applicant 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 applicant'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 applicant'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 applicant with sufficient earnings to help address future capital and unforeseen operating needs and will also maintain confidence in the applicant's financial integrity without resulting in customer rates that are excessive.

Consistent with Commission staff's recommendation in Ex.-PSC-Revenue Requirement, the applicant made accounting adjustments and updated its 2021 PSC Annual Report prior to the hearing.

## **Cost of Service**

Commission staff submitted for the record an analysis of the cost of supplying water for general service and for public fire protection service. Commission staff used the base-extra capacity cost allocation method for the analysis. This method first allocates the operating expenses to the service cost functional components of base, customer, extra-capacity maximum-day and extra-capacity maximum-hour demand, and fire protection and then to each of the customer classes served. Commission staff provided summaries of these analyses in Schedules 8 and 11 of Ex.-PSC-COSS and Rate Design, which is Commission staff's proposal in the record in this proceeding. ([PSC REF#: 455070.](#)) Appendix B shows customer class revenue requirements resulting from the cost analysis compared with revenues at authorized rates.

## **Rates**

Water service rates authorized in this Final Decision will result in an estimated net operating income of approximately \$912,857, which provides a 6.60 percent return on the water utility net investment rate base of \$13,831,166. Commission staff provided the applicant with Commission staff's proposed rates for review prior to the hearing, and the applicant had no objection to these rates.

As shown in attached Appendix B, the base-extra capacity cost allocation method results in a relatively wide range of increases in the charges to the various general service customer classes to reflect the cost of providing service to such classes. The percentage rate increase to any individual customer will not necessarily equal the overall percentage increase to the associated customer class, but rather will depend on the specific water use of that customer.

The authorized rates as set forth in Appendix C are based on the cost of providing service to various customer classes or types of service. The Commission finds the rates will result in all customers paying an appropriate amount for the service provided.

Commission staff computed some typical water bills for single-family residential, multifamily residential, commercial, industrial, and public authority customers using Schedules Mg-1R, Mg-1MF, and Mg-1NR to compare present rates with the new rates. That comparison is set forth in Appendix D.

The overall increase in annual revenues 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. A typical single-family residential customer's bill, including public fire protection, will increase 29.61 percent. The increase in rates is due to a 26.25 percent increase in gross plant investment and a 22.97 percent increase in operating expenses since the applicant's last CRC in 2020.

The annual PFP charge will increase by 44.05 percent, compared to a 25.82 percent increase in general service charges. The larger increase in the PFP charge results from a greater proportion of the annual operating costs being allocated to fire protection compared to what was allocated at the time of the applicant's last rate proceeding and is based on current ratios of maximum general service demand to available system fire protection capacity. The larger increase in the PFP charge is reasonable, in that it reflects the cost of providing service appropriately.

The applicant has agreed to revise its tariff provisions (operating rules and main extension rules) to be consistent with those of other Wisconsin water utilities. The Commission incorporated the proposed rules into the record by receipt of Ex.-PSC-COSS and Rate Design,

which incorporates the rules by reference. The Commission finds they are in accordance with Commission policy and the Wisconsin Administrative Code.

### **Public Comments**

Three water customers filed comments on the Commission's Electronic Records Filing (ERF) system in opposition to the rate increase. These customers expressed concern over the magnitude of the increase and its impact on customers, particularly those who are low-income. Three water customers appeared at the hearing, and one spoke in opposition to the construction projects that are being funded through the rate increase. The Commission appreciates the customers' concerns. However, the Commission finds that the revenue resulting from the authorized rates is necessary to provide for the applicant's financial needs over the long term. The Commission further concludes that the rates as proposed by Commission staff would provide a reasonable and nondiscriminatory recovery of the revenue requirement. Accordingly, the Commission approves Commission staff's proposed rates as shown in Ex.-PSC-COSS and Rate Design of the hearing record.

### **Effective Date**

The test year commenced on January 1, 2022. Pursuant to Wis. Stat. § 196.19, the changes in rates and tariff provisions that are authorized in this Final Decision take effect no sooner than one day after the date of service, provided that these rates and tariff provisions are filed with the Commission, and the applicant makes a copy of the new rates available to the public before this date by placing a copy of the new rates at locations where customer payments are accepted, on the applicant's website, or in a form and place that is otherwise readily accessible to the public.

## Order

1. This Final Decision takes effect one day after the date of service.
2. The authorized rate increases and tariff provisions shall take effect no sooner than one day after the day the applicant has: (a) filed these rates and tariff provisions with the Commission; and (b) made them available to the public at locations where customer payments are accepted, on the applicant's website, or in a form and place that is otherwise readily accessible to the public, pursuant to Wis. Stat. § 196.19 and Wis. Admin. Code § PSC 185.33(1)(f). If a copy of the new rates and tariff provisions is not made available to the public when they are filed with the Commission, the new rates and tariff provisions shall take effect one day after the day they are made available to the public.
3. The rates approved in this docket shall take effect no later than 90 days from the service date of this Final Decision or as directed by the Commission or Commission staff.
4. Jurisdiction is retained.

Dated at Madison, Wisconsin, this 14<sup>th</sup> day of February, 2023.

For the Commission:



Elizabeth A. Bier  
Administrator  
Division of Water Utility Regulation and Analysis

EAB:alf:kr1 DL:01926476

See attached Notice of Appeal Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN  
4822 Madison Yards Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE  
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE  
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

*PETITION FOR REHEARING*

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

*PETITION FOR JUDICIAL REVIEW*

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.<sup>1</sup> The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

<sup>1</sup> See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

## **CONTACT LIST FOR SERVICE BY PARTIES**

### **PUBLIC SERVICE COMMISSION OF WISCONSIN**

(Not a party but must be served per Wis. Stat. § 227.53)

MARK RUSZKIEWICZ; ANDREW FISHER

4822 MADISON YARDS WAY

PO BOX 7854

MADISON, WI 53707

[MARK2.RUSZKIEWICZ@WISCONSIN.GOV](mailto:MARK2.RUSZKIEWICZ@WISCONSIN.GOV); [ANDREW.FISHER@WISCONSIN.GOV](mailto:ANDREW.FISHER@WISCONSIN.GOV)

### **WHITEWATER MUNICIPAL WATER UTILITY**

STEVE HATTON, FINANCE DIRECTOR

PO BOX 690

WHITEWATER WI 53190-0690

[SHATTON@WHITEWATER-WI.GOV](mailto:SHATTON@WHITEWATER-WI.GOV)

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

<u>Customer Class</u>	<u>Revenue at Present Rates</u>	<u>Cost of Service</u>		<u>Authorized Rates</u>		
		<u>Revenue Required</u>	<u>Increase over Present Rates</u>	<u>Revenue</u>	<u>Increase over Present Rates</u>	<u>Percent of Cost of Service</u>
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%
<b>Total</b>	<u>\$2,285,589</u>	<u>\$2,972,965</u>	<u>30.07%</u>	<u>\$2,973,439</u>	<u>30.10%</u>	<u>100.02%</u>

**Whitewater Municipal Water Utility**  
**Authorized Water Rates and Rules**

Docket 6520-WR-106

**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:

5/8 - inch meter:	\$ 4.90
3/4 - inch meter:	\$ 4.90
1 - inch meter:	\$ 7.95
1 1/4 - inch meter:	\$ 10.78
1 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 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 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**

<b>Other Charges</b>
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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**

<b>Public Service</b>
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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 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**

<b>Seasonal Service</b>
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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**

<b>Bulk Water</b>
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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**

<b>Reconnection Charges</b>
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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**

<b>Water Lateral Installation Charge</b>
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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.

<b>Water Utility Operating Rules</b>
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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.

<b>Water Utility Operating Rules</b>
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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.

**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.

<b>Water Utility Operating Rules</b>
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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.

<b>Water Utility Operating Rules</b>
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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.

<b>Water Utility Operating Rules</b>
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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.

**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)

**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.

**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 Authorized Rates**

Customer Type	Meter Size	Volume (1000 Gallons)	Monthly			Monthly Including Public Fire Protection		
			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%

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

Account Number	Account Title	Depreciation Rate
	<b>SOURCE OF SUPPLY PLANT</b>	
311	Structures and Improvements	3.20%
314	Wells and Springs	2.90%
316	Supply Mains	1.80%
	<b>PUMPING PLANT</b>	
321	Structures and Improvements	3.20%
325	Electric Pumping Equipment	4.40%
326	Diesel Pumping Equipment	4.40%
328	Other Pumping Equipment	4.40%
	<b>WATER TREATMENT PLANT</b>	
331	Structures and Improvements	3.20%
332	Sand or Other Media Filtration Equipment	3.30%
	<b>TRANSMISSION AND DISTRIBUTION PLANT</b>	
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%
	<b>GENERAL PLANT</b>	
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%



## Council Agenda Item

Meeting Date:	February 23, 2023
Agenda Item:	Starin Park Water Tower
Staff Contact (name, email, phone):	Brad Marquardt, <a href="mailto:bmarquardt@whitewater-wi.gov">bmarquardt@whitewater-wi.gov</a> , 262-473-0139

### BACKGROUND

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

The City entered into a contract with McEnroe Consulting Engineers (MCE) to complete a structural analysis of the Starin Park Water Tower. MCE was onsite in early November to do a visual inspection and gather information to prepare their report. Their final Structural Analysis Report is attached. In general, the Starin Park Water Tower is in good condition with some elements in fair condition. Primary issues that were identified include:

- Stone cracking and deterioration, primarily at the belt courses at each tier
- Cracked stone at the entry arch
- Deteriorated mortar joints at the exterior and interior
- Corroding steel at the base of the tank

MCE also performed a high level structural analysis of the masonry and loads at the base of the steel tank. The analysis found that the structure is stable in its current condition with or without water in the tank.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In July 2022, the Landmarks Commission asked Council to contract a structural engineering firm to determine the structural condition of the masonry tower. In August 2022, the Council authorized staff to obtain proposals from structural engineering firms and bring back for final approval. In October 2022, the Public Works Committee and Council approved awarding a contract to MCE. The Public Works Committee met in December 2022 to discuss and provide comments on the draft report. The Public Works Committee met in January 2023 to review the final report and recommended the report be sent to the full Council.

### FINANCIAL IMPACT

(If none, state N/A)

The overall maintenance cost, in 2023 dollars, is estimated between \$950,000 and \$1,100,000. A phased approach over 5 years is estimated to cost \$1,514,000 (using a 5% inflation cost) but could be higher if more deterioration has taken place. Also to be noted is the continuation of ongoing maintenance, mainly with repointing of mortar joints. An estimated cost to repoint 5% of the joints in 2040 is around \$250,000. An estimate of \$610,000 was included in the Report for demolition. This estimate is important in that the PSC has indicated that Water Utility rate payer funds can only be used for maintenance up to the estimated cost of demolition. The remaining costs must be covered using different funding sources.

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**STAFF RECOMMENDATION**

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As the Report indicates, if it is the desire to maintain the Water Tower, it will be important to address the high priority issues in the next few years, as the longer the work is postponed, the more extensive, and therefore expensive, it will be. Thus, this is a report to be used by Council to help decide the course of action for the Starin Park Water Tower. Staff's recommendation is for the Common Council to accept the Starin Park Water Tower Structural Analysis Report. Staff will use the Report as a budgeting tool to submit CIP requests for upcoming budgets based on the Council's desire to maintain the Water Tower.

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**ATTACHMENT(S) INCLUDED**

(If none, state N/A)

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1. Structural Analysis Report



# Starin Park Water Tower Structural Analysis Report

**Project Address:** 504 W. Starin Road  
Whitewater, WI 53190

**Prepared for:** City of Whitewater  
Department of Public Works  
312 W. Whitewater Street  
Whitewater, WI 53190

**Prepared by:** McEnroe Consulting Engineers, LLC  
Eileen McEnroe Hankes, P.E.

**Date:** January 5, 2023



**Table of Contents**

Executive Summary ..... 1

Introduction..... 2

Assessment Techniques..... 2

Building Background..... 2

Conditions Observed ..... 9

    Condition #1: Deteriorated and Missing Stones at Belt Course..... 10

    Condition #2: Deteriorated and Spalled Stone away from Belt Course ..... 14

    Condition #3: Cracked Stone..... 17

    Condition #4: Deteriorated Mortar Joints ..... 19

    Condition #5: Crack in Wall ..... 23

    Condition #6: Concrete/Mortar Wash Missing and Cracked..... 24

    Condition #7: Corroded Steel ..... 25

    Condition #8: Rotting Wood..... 30

Structural Analysis ..... 31

Recommendation..... 32

Opinion of Probable Construction Cost ..... 32

Phasing Discussion ..... 32

Recommendations for next steps..... 35

Limitations ..... 35

Appendix A: Plan and Elevation Drawings

Appendix B: Budgetary Estimate of Construction Cost

## Executive Summary

This analysis of the Starin Park Water Tower included a visual assessment of the exterior from the ground and the interior from a ladder. The exterior of the structure was documented with a camera on a UAV to create a photogrammetry model. The interior was scanned using LIDAR technology and that information has been integrated into the photogrammetry model as well.

The structure is an approximately 100 foot tall water tower with a 70 foot tall masonry base and a 30 foot tall steel tank. The tank has been decommissioned and water removed as of late 2022. The purpose of this study was to determine the current condition of the structure and provide opinions on the future of this structure, including whether it should be demolished or repaired.

The structure is in good condition with some elements in fair condition. The structure is safe in its current condition. The only concern at this time is the potential for stone falling and the fence around the perimeter is effective at keeping the public away from the building.

The masonry and steel structure is in need of maintenance and repair work to keep it in good condition for the long term. The work that is needed is typical for a structure of this age and type of construction. We see no reason to consider demolition at this time.

The primary issues that were identified in this study include the following items. The report provides more specific information about each issue and potential approaches to address them.

- Stone cracking and deterioration, primarily at the belt courses at each tier
- Cracked stone at the entry arch
- Deteriorated mortar joints at the exterior and interior
- Corroding steel at the base of the tank
- Other minor miscellaneous items that are covered in the report

We performed a high level structural analysis of the masonry and the loads at the base of the steel tank, taking into consideration that the water is being removed. This analysis found that the structure is stable in its current condition and with the water removed from the tank. Note that the connections between the tank and the masonry are not visible from below, so they were not analyzed. The repairs that are recommended will keep the structure in stable condition.

The rough order of magnitude construction costs to implement the repairs recommended are anticipated to be in the range of \$950,000 to \$1,100,000.

If funding is not available to perform the work all at once, a phased approach could be taken. We recommend considering the following phasing, although there may be good reasons to approach the work in a different way:

- Phase 1: Repair the steel buried in masonry at the top of the tower, while addressing the masonry at the top of the tower as well. Continue work down the exterior of the tower as funding allows. If we use a budget limit of \$600,000 (which is the approximate estimated cost to demolish the tower), the top two levels of the tower would be repaired. Estimated cost: \$590,000
- Phase 2: Repair the remainder of the exterior. Estimated cost: \$420,000
- Phase 3: Repair interior of the tower. Estimated cost: \$320,000

These costs are in 2023 dollars. The body of this report discusses potential increases based on inflation.

## Introduction

The report presents the findings of a structural assessment and study of the Starin Park Water Tower in Whitewater Wisconsin. The study explores the current structural condition of the tower to identify potential concerns with the structure and recommends courses of action to guide the future of the structure.

## Assessment Techniques

This project consists of a visual structural assessment of the existing conditions performed from the ground with binoculars, and from the interior access ladder and platform. We did not access the exterior platform and ladder or the steel tank during this assessment. To complement the in-person visual review, an unmanned aerial vehicle (UAV) equipped with a camera was used to photograph and document the exterior of the structure. A photogrammetry model was produced and is available for the City of Whitewater's use. This allowed us to perform a visual review of the elements of the masonry that were not accessible from the ground and to get a bird's-eye view of the structure. The interior of the tower was scanned using LIDAR technology. At the time of this report, the scan was partially complete. The information from the LIDAR scan will be included in the photogrammetry model as well.

## Building Background

The structure is approximately 100 feet tall with a masonry base and steel tank (Photo 1). It was constructed in 1889 and has been a functioning water tank since that time. It was decommissioned in late 2022 and the water was removed from the tank as of December 14, 2022. The structure is comprised of a 70 foot tall masonry structure with a 30 foot tall, 185,000 gallon, cylindrical steel tank at the top.

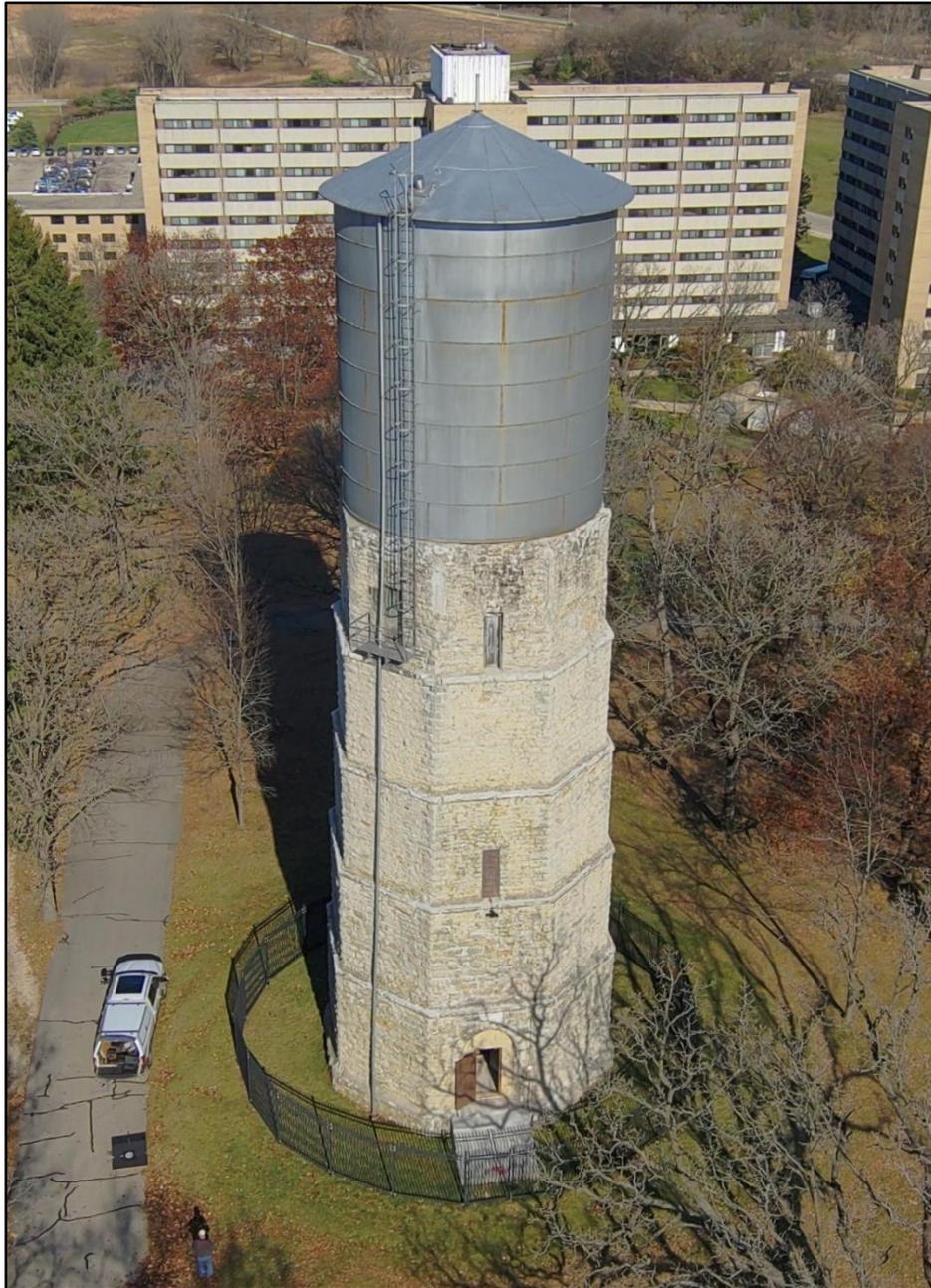
The masonry structure has an octagonal footprint. The exterior has five tiers with a stone belt course and a step inward at each level. The structure is approximately 35 feet wide at the ground and 26.5 feet wide at the top level. The interior of the tower is a round shape with a diameter of roughly 18.5 feet at the base. There are 2 steps in the wall thickness on the interior that align with the lowest two steps on the exterior. The diameter at the top of the tower is roughly 20.5 feet. The wall thickness is approximately 7.5 to 9 feet at the base and 3 to 4 feet at the top. Appendix A includes some basic plan and elevation drawings of the structure. Please note that these are all rough dimensions due to the uneven surface of the wall and the limited access for measuring. Some dimensions have been determined based on direct field measurements and others have been taken from the photogrammetry model.

The steel tank is cylindrical with a cone-shaped roof. It appears to be comprised of steel plates attached to an interior frame. This assessment did not include accessing the interior of the tank, so this construction was not verified. Please note that while the term "steel" is used throughout this report, given the age of the construction, it may be iron. Depending on the repairs that are designed, this may be an important distinction. The composition of the material should be verified prior to doing repairs.

The steel tank is placed on a series of I beams spanning over the water tower and bearing on the masonry walls (Photo 2). There are two large plate girders that support the small beams (Photo 3). There is also a floor system below the plate girders that is comprised of steel beams and wood planks (Photos 4 and 5).

The structure is accessed by a ladder and cage on the interior wall that extends to the floor below the plate girders (Photo 6). There is a door through the masonry at that level that leads to a platform cantilevered off the masonry (Photo 7). A second steel ladder and cage run up the masonry and steel tank from the platform to the roof (Photos 8 and 9).

The masonry around the entry has been modified to add two concrete masonry unit (CMU) walls and a stone veneer (Photo 10 and 11).



**Photo 1: Starin Park Water Tower**



**Photo 2: Steel beams below tank**



**Photo 3: Steel plate girder supports**



**Photo 4: Floor below tank at top of masonry tower**



**Photo 5: Floor and tank supports as viewed from below**



**Photo 6: Ladder inside masonry tower**



**Photo 7: Doorway to exterior platform and ladder**



**Photo 8: Exterior platform and ladder to tank**



**Photo 9: Exterior ladder to tank**



**Photo 10: Modified entry door/wall**



**Photo 11: Modified entry door/wall**

## Conditions Observed

The photos included in this report are representative of conditions found during this assessment. This report does not include a photo of every location of the conditions found.

Each condition includes a description of the issue, a conceptual approach for repair, and a priority level. The priority levels include high, medium, low and monitor. All of these conditions are important to address. However, with the understanding that typically restoration projects occur over the course of years, this information is included to assist in identifying which items to address first.

- High priority repairs will help to stop ongoing deterioration and stabilize the structure in its current condition.
- Medium priority repairs will restore the structure to a good condition. These repairs are important to keeping the structure long-term but are not the most critical at this time compared to the high priority items.
- Low priority repairs will also restore the structure to a good condition but are less likely to have an impact on other elements or systems.
- Monitor indicates that a condition is not currently a concern, but it has the possibility of worsening over time. These conditions do not require a repair at this time but should be monitored in the future in case they worsen.

Please note that this report is based on conditions of structural elements that were readily observable at the time of assessment and that no testing or invasive investigations were performed. All recommendations provided in this report are conceptual in nature and are not intended to be details or specifications for construction.

**Condition #1: Deteriorated and Missing Stones at Belt Course**

**Description:** Many of the stones at each belt course are in poor condition. There are stones that have fallen out or have been removed (Photo 12). Many stones that remain in place are cracked, spalled or delaminated (Photo 13 to 15).

These horizontal projections are natural places for water to enter the wall. This condition is likely due to decades of water and ice buildup along the ledges. There are mortar washes that have been installed to help shed water, but the deterioration has continued.

This condition is particularly bad at the top of the wall (Photos 16 and 17). There is more exposed masonry here that can take on water. Also, the embedded steel tank supports are corroding and likely causing additional damage to the masonry. See Condition #7 for more discussion of the steel corrosion.

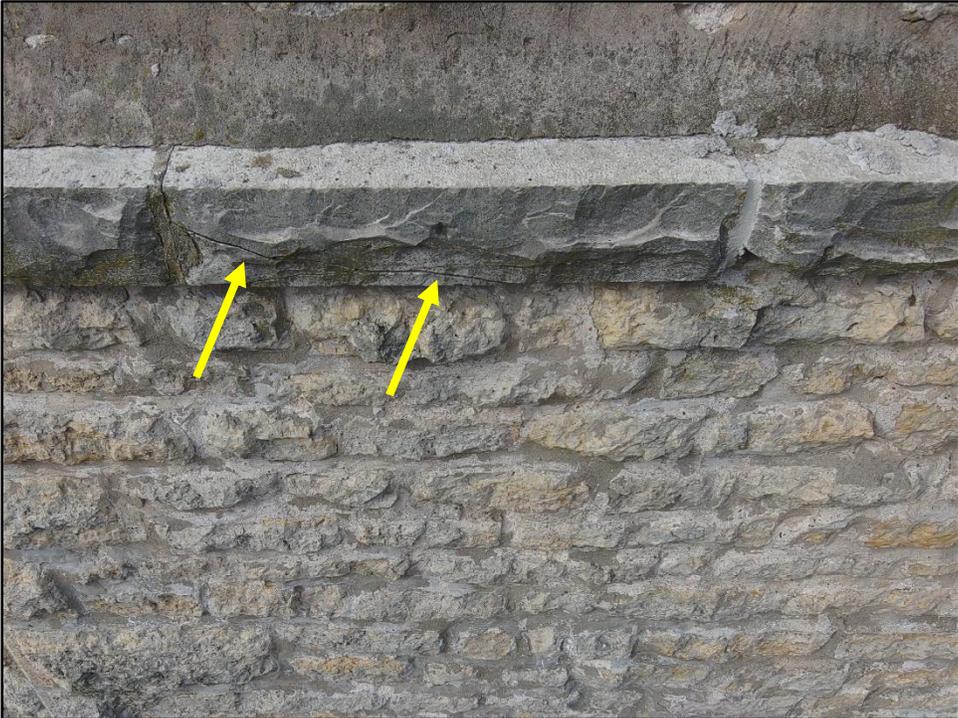
**Repair:** Replace stones that are missing as well as any that are severely deteriorated and have lots of cracking. For any stones that have minor cracking but are otherwise in generally good condition, consider pinning across the crack, or adhering the stone pieces with epoxy.

Consider adding a coping or flashing at the horizontal surfaces, particularly at the top of the wall. Keeping water out of the wall in the future will be critical to maintaining this structure. This approach comes with downsides as well though as creating a system that would be effective and also not change the appearance of the structure would be challenging. This is an architectural issue to consider during the design of repairs.

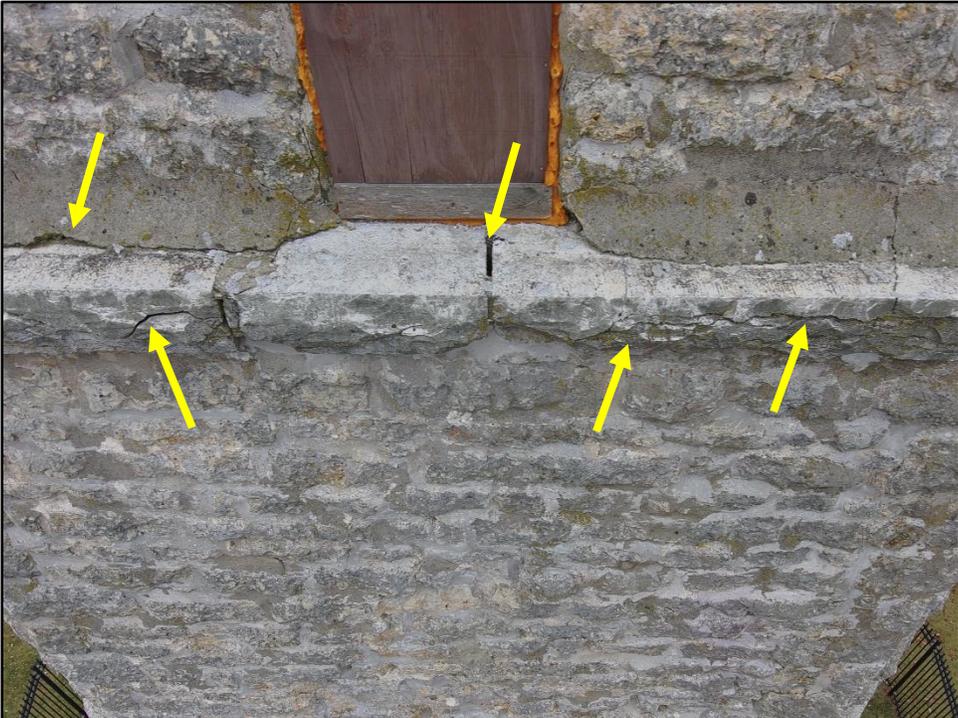
**Priority Level:** High



**Photo 12: Missing stone**



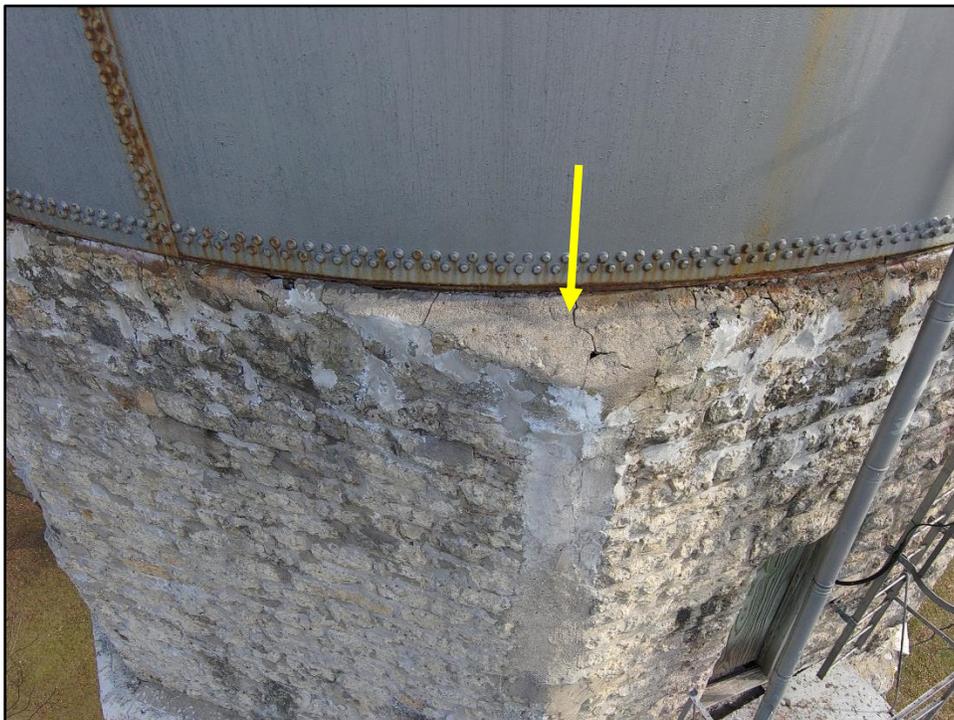
**Photo 13: Horizontal cracks in stone**



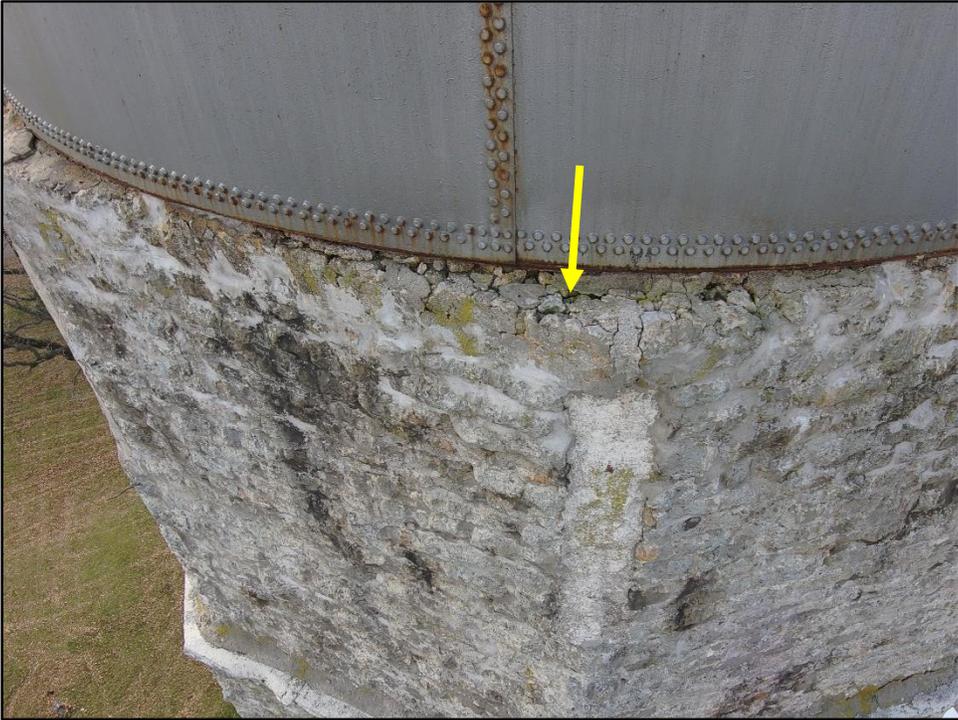
**Photo 14: Cracked stones, missing mortar, deteriorating mortar wash**



**Photo 15: Missing stone, cracked stone, deteriorating mortar wash**



**Photo 16: Deteriorating mortar wash at top of wall**



**Photo 17: Deteriorating masonry at top of wall**

**Condition #2: *Deteriorated and Spalled Stone away from Belt Course***

**Description:** There are some isolated locations where stone has spalled and broken away from the structure (Photo 18). The sides of the wall openings have some spalling (Photo 19). Only one location was easily visible during this assessment, but we would expect to find conditions like this at other openings as well. One area at the top tier has a larger area that has spalled away (Photo 20). There is also some deterioration of stone near the base of the wall (Photo 21).

**Repair:** Areas with isolated spalled stones do not need to be repaired at this time. If a full restoration of the building is undertaken, it may be decided whether or not these locations should be addressed.

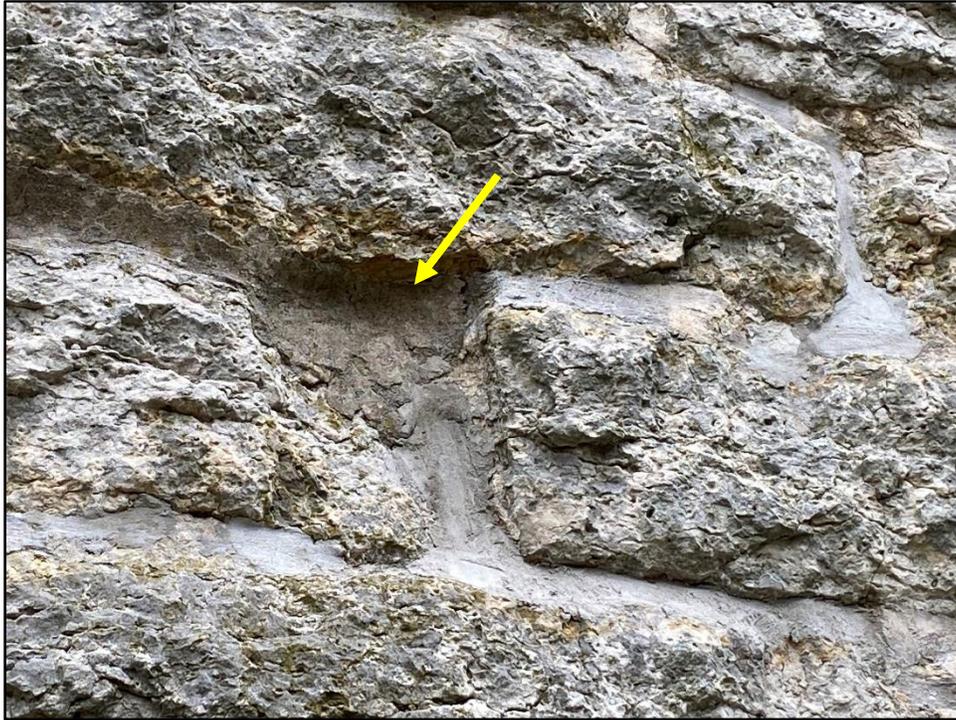
The sides of the wall openings could be address on a case by case basis when access is available to those areas. The one area visible during this investigation did not appear to be in dire condition and can wait until a repair plan is executed

Deterioration at the base of the wall can be address during a full repair as well. It is not so significant as to require repairs at this time. This is an easily monitored condition due to the location on the building.

The large spall area shown in Photo 20 should be investigated up close in more detail. There is a possibility that the stones around this area are unstable and would require remediation. If the stone is loose at all, it could be pinned into place. Alternately, the missing/spalled stones could be replaced/repared which would stabilize this area of the wall.

**Priority Level:** High – Pinning area around large spall

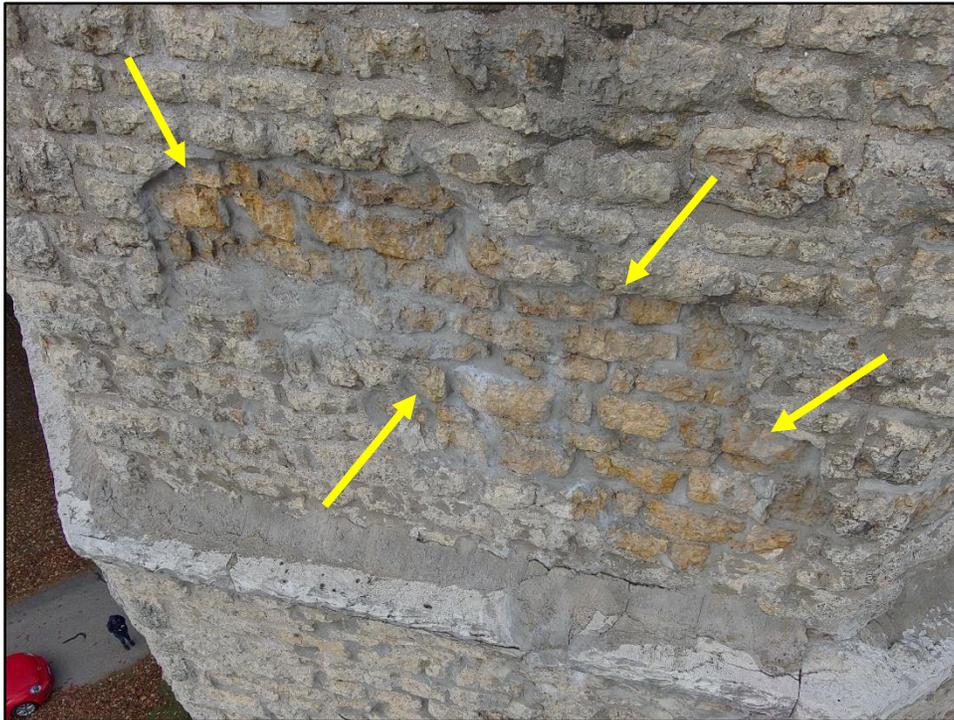
Medium to Low – All other conditions



**Photo 18: Isolated locations of stone spalls**



**Photo 19: Spalled stone on "door" walls**



**Photo 20: Area of spalled stone – top tier, southeast elevation**



**Photo 21: Stone deterioration at base of wall**

**Condition #3: Cracked Stone**

**Description:** Stones in some locations have significant cracking. This is particularly prevalent in the arched stones at the entryway (Photos 22 and 23). Also see Condition #1 for cracking in stones at the belt courses.

**Repair:** For a long-term repair, these stones should be replaced. The cracking is too extensive for an in-place repair to be effective.

**Priority Level:** High



**Photo 22: Cracked stone in entryway arch**



**Photo 23: Cracked stone in entryway arch**

**Condition #4: *Deteriorated Mortar Joints***

**Description:** The mortar joints are in various stages of deterioration.

The exterior wall joints have had a lot of spot repointing in the past (Photos 24 to 27), which is to be expected for most structures. It does appear that some of the previous mortar may be harder than appropriate, which may be the cause of some of the isolated stone spalling and cracking.

The interior wall joints are very loose and mortar is falling out of the joints and collecting on the floor (Photo 28).

Keeping mortar joints in good condition is key to the longevity of this structure. Given the age of the structure, we would anticipate that the original lime mortar used would be deteriorating and reverting to a sandy material. This is not necessarily an issue near the center of the wall as long as it is kept in place by the mortar on the wall faces.

**Repair:** Repoint loose mortar joints. The joints on the exterior should have a higher priority than those on the interior. Repointing can be performed in sections throughout the building over time, or when access is available. For the purpose of planning, it would be appropriate to assume that 5% to 10% of the building will need to be repointed. While most of the building is in good condition at this time, the joints will continue to deteriorate while planning progresses and if repairs are staged over time.

The mortar should be matched to the original mortar. Prior to performing any repair work on this building, the mortar should be analyzed to determine the composition of the appropriate repair mortar.

**Priority Level:** Medium



**Photo 24: Different types of mortar**



**Photo 25: Different mortar at entry arch**



**Photo 26: Repointed joints at mid-height of tower**



**Photo 27: Repointing mortar at top of tower**



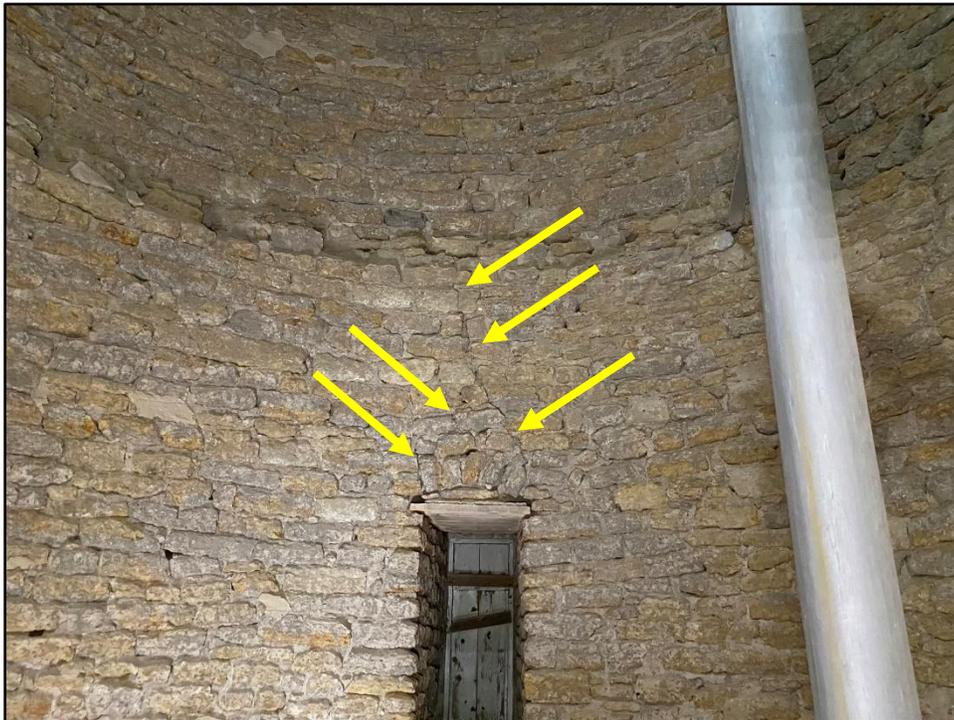
**Photo 28: Deteriorated joints on interior – dust on floor is deteriorated mortar**

**Condition #5: Crack in Wall**

**Description:** A crack was noted on the interior of the structure above an opening on the north wall (Photo 29).

**Repair:** Repoint cracked mortar joints and epoxy or pin across cracks in the stone.

**Priority Level:** Monitor until interior repointing is performed, or unless additional movement occurs.



**Photo 29: Crack on interior of tower**

**Condition #6: Concrete/Mortar Wash Missing and Cracked**

**Description:** There has been a concrete or mortar wash placed at the base of the wall. It has fallen off in many locations and is cracked in other locations (Photo 30). The use of concrete or a hard mortar is not appropriate for this building.

**Repair:** When belt courses discussed in Condition #1 are being addressed, repair this as well. There may need to be stones replaced where they are cracked or spalled. Mortar joints should be replaced. If there is still a need for water deflection at this location, consider installing a mortar wash with a material matching the original building mortar, but anticipate that it will need to be maintained on a regular basis.

**Priority Level:** High – coordinate repairs with belt course repairs.



**Photo 30: Cracked and missing concrete/mortar wash**

**Condition #7: Corroded Steel**

**Description:** The steel beams and plate girders holding the tank have light corrosion, particularly near the masonry walls (Photos 31 to 33). The beams that form the floor below the tank also have corrosion at the exterior walls (Photos 34 and 35).

The tank has some signs of corrosion on the exterior at the joints (Photo 36).

The ladder on the interior of the structure has corrosion at the base and at some of the wall connections (Photos 37 and 38)

**Repair:** Perform some exploratory openings at locations where beams are bearing on walls. Exposing the steel members will determine whether repairs are needed. If repairs are needed it will likely involve welding new steel plates/angles/etc to the existing steel to replace the lost steel capacity.

At a minimum, exposed steel members should be primed and painted to extend the life of the structure.

Once water is removed from the tank, the interior should be inspected by a tank inspector to determine whether the tank itself, or its connections to the base, require repairs.

The interior ladder's base and connections to the wall should be reinforced with new steel elements. The exterior platform and ladder should be inspected in greater detail when access is available, or when repairs begin.

For all steel repairs, the weldability of the material should be determined by testing prior to implementing any repairs. Some steel of this age is not weldable. There is also a chance that some of the material is iron rather than steel.

**Priority Level:** High – beams and girders that are bearing on masonry. These are a higher priority because their condition will impact the longevity of any masonry repairs.

High – Ladders or other access points

Medium – All other locations



**Photo 31: General light corrosion on support structure**



**Photo 32: Close up of tank supports at wall**

**There is a steel plate on top of the masonry that is corroding as well as the base of the tank**



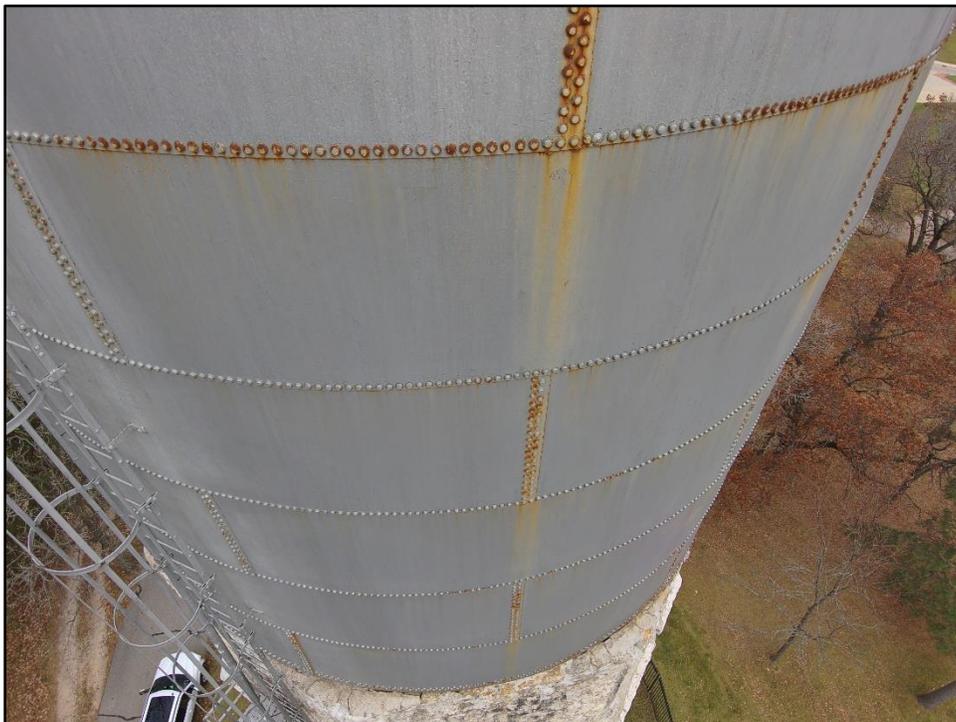
**Photo 33: General surface corrosion of tank support beams with an increase near walls**



**Photo 34: Signs of floor beam corrosion at walls**



**Photo 35: Corroding floor beam at exit to exterior platform**



**Photo 36: Rust staining on exterior of tank**



**Photo 37: Corroded ladder connections at wall**



**Photo 38: Base of interior ladder – corrosion on all pieces**

**Condition #8: Rotting Wood**

**Description:** The wood panels over the access openings are rotting (Photo 39). This is not a significant concern in the overall scope of this structure. However, we recommend addressing it when there is access and when the surrounding masonry is being addressed.

**Repair:** Replace deteriorating wood in kind.

**Priority Level:** Low/Monitor



**Photo 39: Minor wood deterioration at access panels**

## Structural Analysis

We performed a high level structural analysis of the tower with a focus on two main items. The first focus was on whether the masonry walls are close to their capacity. This analysis gives an indication about how much room there is for deterioration before there are global structural issues. The second focus was on the effects of removing the water from the tank. This analysis gives an indication of whether reinforcing would be necessary for the structure due to removing the water.

The results of both analyses were positive.

The masonry walls have plenty of capacity to undergo some deterioration before having global structural concerns. The current amount of deterioration to the masonry walls is not having a significant structural effect. Relatively speaking, if there is 2" of mortar loss in an 8 foot thick wall, that is equivalent to just over an 1/8" of mortar loss in a 12" brick wall. At the top of the tower, that same 2" mortar loss in a 3 foot thick wall is equivalent to 2/3" of mortar loss in a 12" brick wall. It becomes more important as the wall gets thinner, but neither of these mortar losses would cause a global structural concern in a standard building wall. The current amount of mortar loss is more of a concern with loosening stones than for the structure as a whole.

*Recommendation: Maintain the mortar joints, particularly on the exterior faces, to keep the compression capacity of the structure. Keeping the old, loose mortar from falling out of the joints is the best way to keep the structure in good structural condition.*

The second part of this analysis showed that it is acceptable to remove the water from the tank. There is no tension in the masonry portion of the structure even with the water removed from the tank. This is important because the deteriorating stone mortar joints have no capacity to withstand tension. As long as the structure stays in compression and the joints are maintained, the removal of the water will not have a deleterious effect.

The analysis does show a small amount of tension occurring at the base of the steel tank where it connects to the masonry under high wind conditions. Because any connections at the tank are only visible from the interior of the tank, we could not ascertain the strength of those connections. However, the beams and girders that support the tank are built into the masonry walls. The weight of the masonry surrounding these elements, particularly the girders, will provide some additional hold-down support for the tank.

*Recommendation: After the water is removed from the tank, have the interior of the tank inspected for severe corrosion and to ensure that there are connections between the tank and the support structure.*

## Recommendation

We recommend repairing this building using historically appropriate methods. The structure is stable and generally in good condition, with some elements in fair condition. The conditions discussed previously are all typical situations that are anticipated in a structure of this age and construction. In our opinion, there is no reason to demolish this structure at this time. There is certainly no reason to consider demolishing and then rebuilding the structure in kind.

The structure is safe at this time. The biggest hazard would be the potential for falling stones. The fence around the exterior protects the public from this potential hazard. While it's not possible to see into the future to determine when the structure would deteriorate to a point of larger scale hazard, it is not close to that state at this time. It will be important to address the high priority issues in the next few years, and the longer the work is postponed, the more extensive, and therefore expensive, it will be.

## Opinion of Probable Construction Cost

The anticipated budget for performing the repair work described in this report is in the range of \$950,000 to \$1,100,000. This budget assumes that all of the work is performed at one time, during one project. Additional discussion of phasing and associated costs is provided in the next section.

This estimate has been provided by Structurewerks. They are a concrete and masonry restoration company located in southeast Wisconsin with significant experience in doing this sort of work.

McEnroe Consulting Engineers has been asked to provide an opinion on the potential cost for demolishing the tower to be used for funding discussions. The anticipated cost for demolition is in the range of \$600,000. This cost was developed using the RS Means Building Construction Cost Data book.

A more detailed description of each cost estimate is found in Appendix B.

## Phasing Discussion

Often funding is not available to address all the issues in a building at the same time. In order to plan a phased approach to repairing this structure, we are recommending the following segments of work as a potential path forward. It may be that a different strategy is taken in the end, and that is fine. There are many ways to approach this, and there may be good reasons to choose something other than what is proposed here.

In a structure such as this, the access available to perform repairs will often drive the approach taken. If the structure was accessible from an aerial lift, it would be more feasible to break the repairs down into smaller phases. However, given the slope of the ground, particularly on the north and east sides, prohibit using a lift to access much of the tower. Also, repair work that involves removing stones would be nearly impossible from a lift due to weight limitations. Scaffolding would be the more effective means to access the exterior of the structure. Scaffolding will have a relatively high first cost. Once it is in place, it will typically make the most sense to repair all items in that area.

If spot repairs were needed in the interior of the tower, a small atrium style lift would work well for that. However, since the entire interior is in need of repointing, it would likely be more effective to build scaffolding on the interior.

The following phasing has been developed with the goal of determining the extent of work that can likely be completed for \$600,000 to match the estimated cost to demolish the building. Work that will not be able to be performed within that initial \$600,000 is then phased to spread out the cost over multiple years.

Note that the total cost of this phased approach is estimated to be \$1,330,000 which is roughly 30% higher than the cost to perform the project all at one time.

### Phase 1

First, address the corroded steel at the platform below the tank. To do this, a contractor would access the interior of the tower with an atrium style lift to address any issues with the steel floor beams. Starting with this work will allow this platform to be used during construction for repairs at the top of the tower.

Second, repair and rebuild masonry at the top of the wall. Do this work in segments as to not destabilize the tank. Remove deteriorated masonry, expose corroded steel, clean and paint steel (augmenting if needed with new steel or welding plates), rebuild masonry with original stones and supplemental stones as needed using mortar and stones matched to the original.

Third, perform other masonry repairs on the exterior of the tower, starting at the top and continuing down as far as the budget allows. Based on the cost estimated performed as part of this study, it is anticipated that the top two levels of the exterior would be addressed as part of this phase. The scope of work could be adjusted to include more or less of the exterior based on budget available and the conditions found during construction.

Estimated cost of Phase 1: \$590,000.

### Phase 2

Continue down the exterior of the building to perform the masonry repairs at the lower three levels of the tower. This would include addressing cracked stones and repointing mortar joints.

Estimated cost of Phase 2: \$420,000.

### Phase 3

Repoint mortar joints on the interior. Address rotting wood doors and other miscellaneous items that can be accessed from the interior.

This can be performed in stages if desired however the costs will increase to create access to the interior for each phase. Another consideration may be that this interior work could be performed in the winter months when masons and scaffolding companies are less busy than the summer months. This could potentially allow for a reduction in cost.

Prior to performing the interior work, investigate the interior humidity levels under the new conditions with the decommissioned tank. If there is a major condensation issue on the interior, this may add to the joints failing prematurely. If this is the case, consider ways to add passive ventilation.

Estimated cost of Phase 3: \$320,000.

Ongoing Maintenance

There will also be ongoing maintenance costs for the building. For a building such as this, maintenance will typically consist of periodic repointing of mortar joints and addressing cracking stone. The cost of performing this work is highly dependent on the access needed. For work on the west and south sides of the building, it can be performed from an aerial lift and most of the costs will be for the labor and materials needed to perform the work. On the north and east sides of the tower, scaffolding will be needed to perform any work. This will greatly increase the cost of doing that work.

A building that has been repointed with good craftsmanship and materials should be able to last 30 to 40 years without repointing. Due to the high cost of accessing the structure, it is going to be very important to do a comprehensive repair of stone and mortar during the Phase 1 and Phase 2 repairs so that the length of time until repointing is needed is extended as long as possible.

Estimated cost for repointing 5% of mortar joints on west/south half of the exterior: \$30,000

Estimated cost for repointing 5% of mortar joints on east/north half of the exterior: \$80,000

Future Costs

All of the costs provided above are based on 2023 pricing. Obviously as work is phased into the future, inflation will increase the costs. Here is an example of how this might affect these costs, using a 5% per year increase for inflation:

Phase 1 performed in 2024:	\$620,000
Phase 2 performed in 2026:	\$486,000
<u>Phase 3 performed in 2028:</u>	<u>\$408,000</u>
Total overall cost:	\$1,514,000

Ongoing Maintenance performed in 2040:

West/south sides:	\$70,000
North/east sides:	\$183,000

## Recommendations for next steps

We recommend the following items as next steps in the process of repairing and restoring this structure:

1. Engage a tank inspector to review the conditions inside the tank after it has been emptied.
2. Perform some material testing including mortar analysis and steel sampling. This will provide information critical to performing the repairs needed.
3. Explore whether there would be historic tax credits or other programs available to assist in funding repairs for this structure.
4. Perform some investigation openings in the top of the masonry structure. This will allow a view of the steel condition within the masonry as well as getting a better look at the overall mortar condition near the top of the wall. These two conditions have the most assumptions associated with the costs and overall impact on a repair project. Confirming these conditions early in the process would provide more confidence in the cost impacts of Phase 1 work. Given the high cost of access to the top of the tower that would be needed to perform ongoing maintenance, performing a comprehensive repair to the top levels during Phase 1 will lower the long term costs of maintaining this structure.
5. Use the findings of these steps to develop a long-term plan for preservation or restoration of the structure, then move into design for the first phase of work.

## Limitations

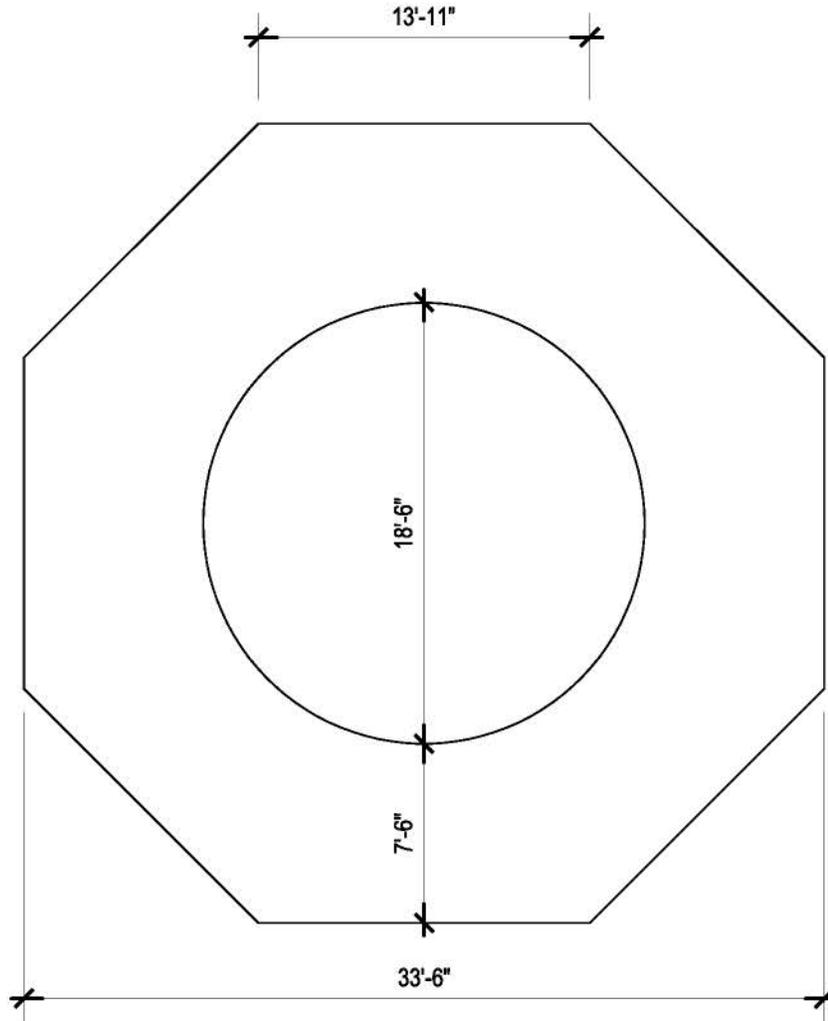
This report is based on conditions of structural elements that were readily observable at the time of investigation. No testing or inspections were performed. McEnroe Consulting Engineers does not accept responsibility for structural deficiencies not evident during an investigation of this type. All recommendations provided in this report are conceptual in nature and are not intended to be full details or specifications for construction.

All conditions discussed in this report are subject to change and are anticipated to change over time. As additional exploration is performed, the recommendations in this report may change based on newly available information.



## Appendix A

# Level 1 (base)



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.



2/17/2023

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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 1 PLAN**

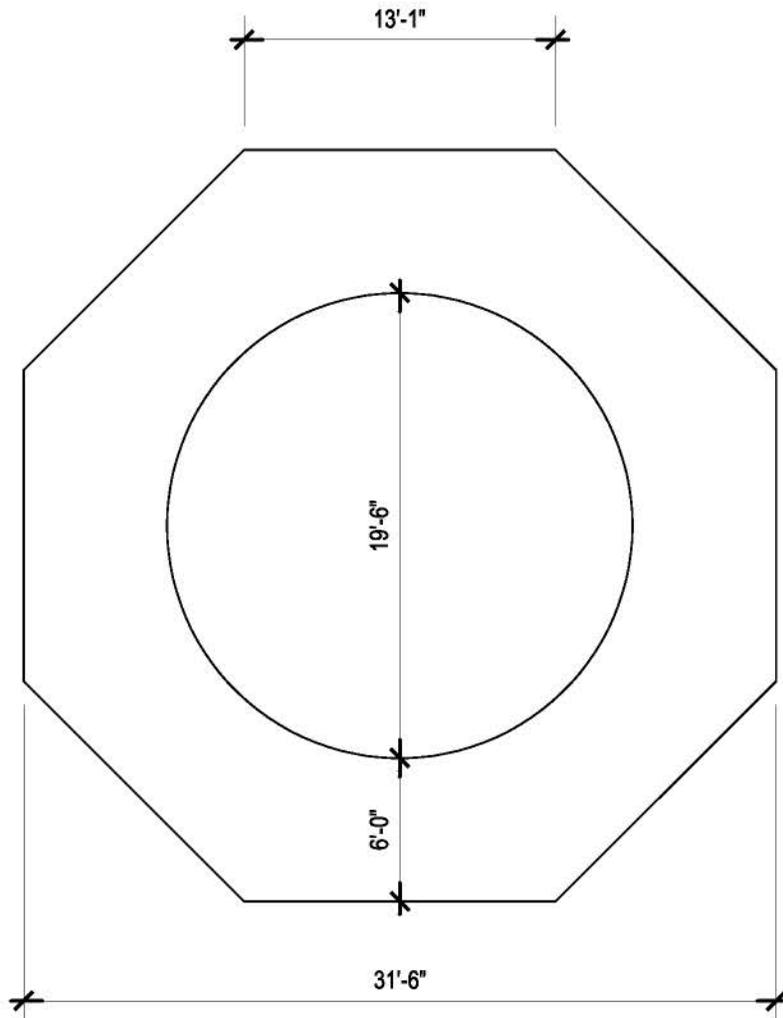
SHEET NO:

**S1**

125/233

MCE PROJ NO: 22-37

# Level 2



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.



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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 2 PLAN**

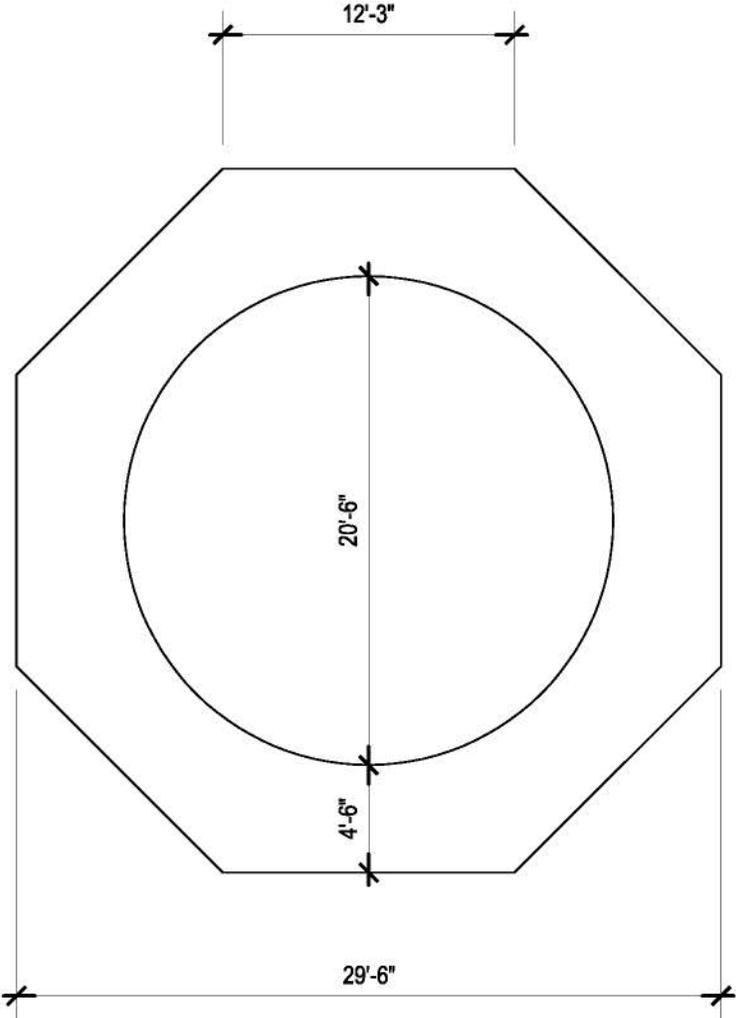
SHEET NO:

**S2**

126/233

MCE PROJ NO: 22-37

# Level 3



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 3 PLAN**

SHEET NO:

**S3**

127/233

MCE PROJ NO: 22-37

**MCE**  
McEnroe  
Consulting  
Engineers

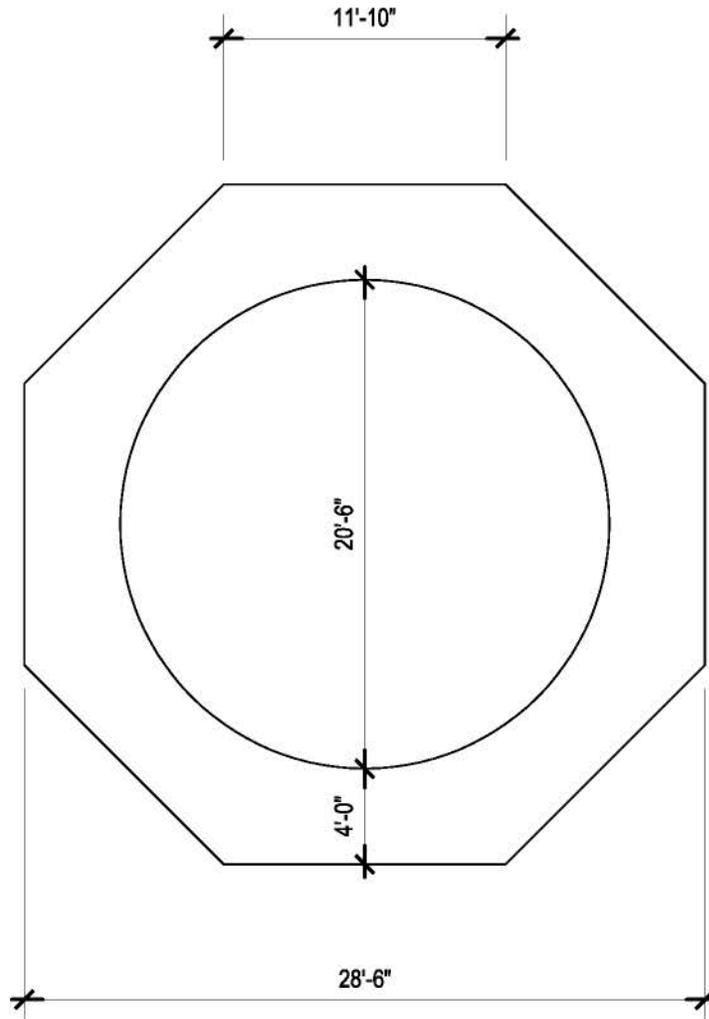
2/17/2023

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

# Level 4



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.



2/17/2023

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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 4 PLAN**

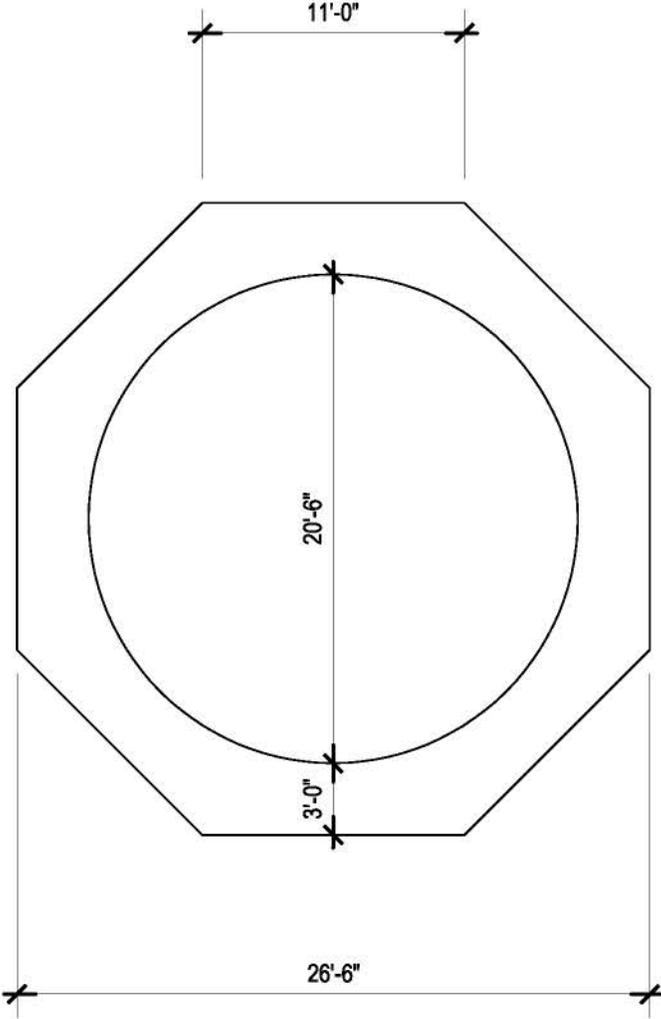
SHEET NO:

**S4**

128/233

MCE PROJ NO: 22-37

# Level 5



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.



2/17/2023

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# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

**LEVEL 5 PLAN**

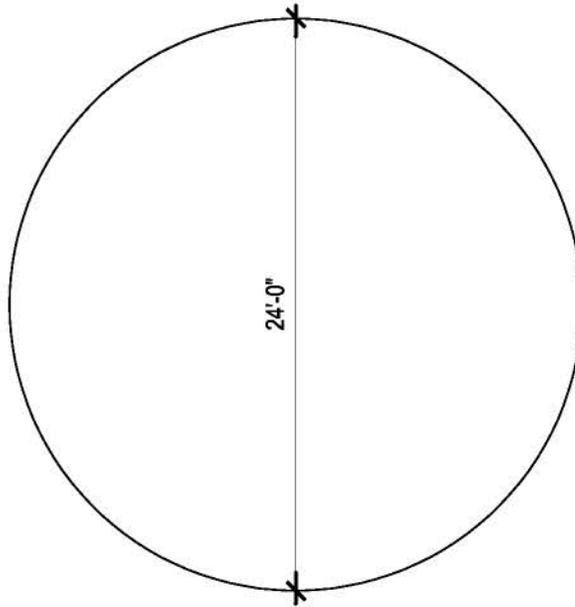
SHEET NO:

**S5**

129/233

MCE PROJ NO: 22-37

# Steel Tank



NOTE THAT ALL DIMENSIONS ARE ROUGH  
ESTIMATES. EXACT MEASUREMENTS SHOULD BE  
COLLECTED FOR ANY CONSTRUCTION WORK.



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## STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

ISSUE DATE: 12/02/22

SHEET NAME:

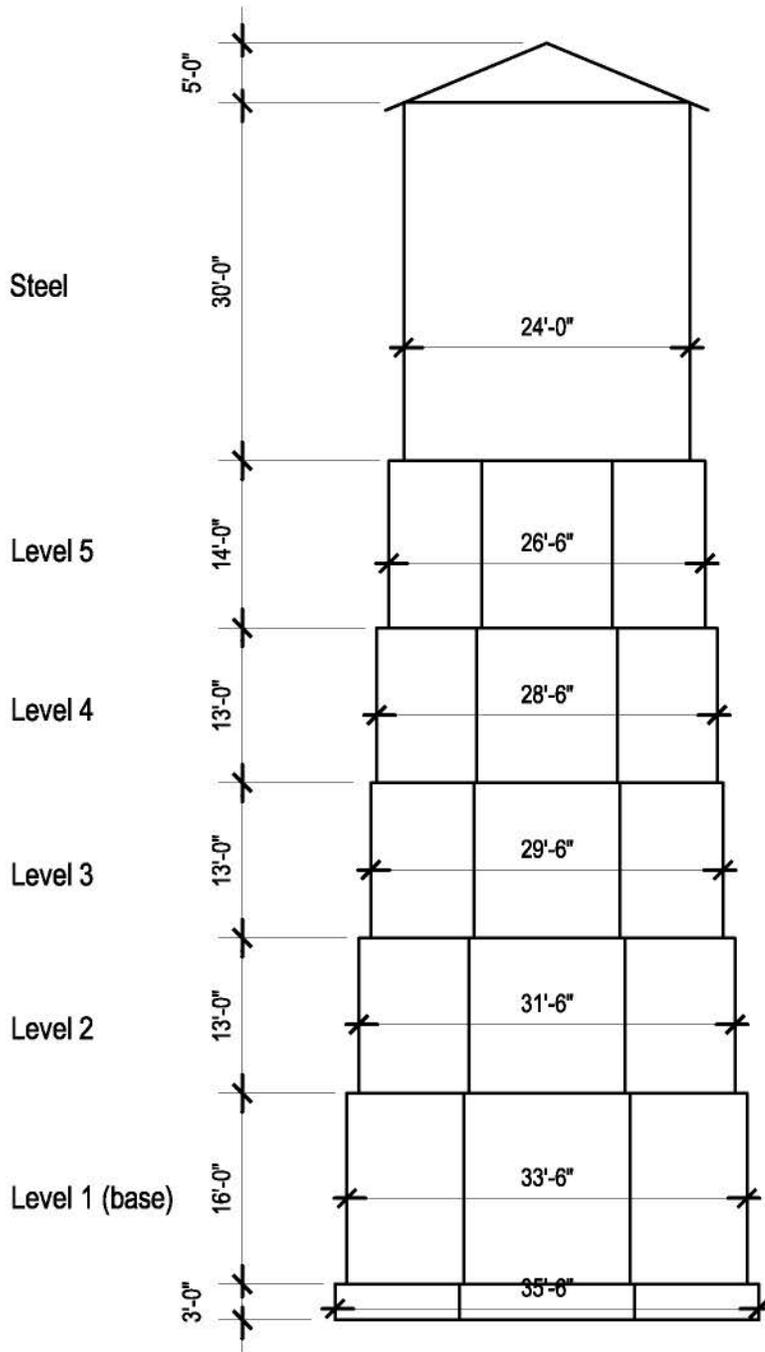
**STEEL TANK**

SHEET NO:

**S6**

130/233

MCE PROJ NO: 22-37



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/02/22

SHEET NAME:

**ELEVATION**

SHEET NO:

**S7**

131/233

MCE PROJ NO: 22-37

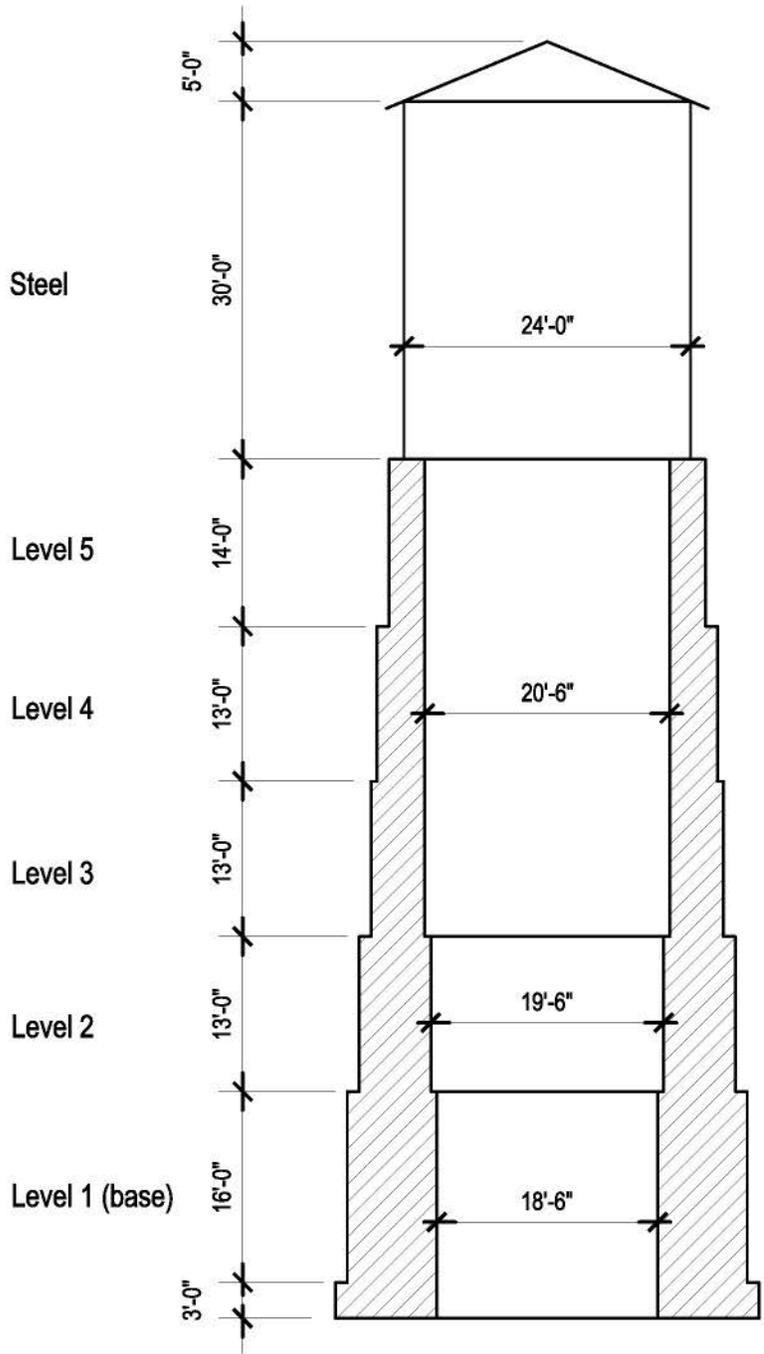
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Consulting  
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**STARIN PARK WATER TOWER**

WHITEWATER, WISCONSIN



NOTE THAT ALL DIMENSIONS ARE ROUGH ESTIMATES. EXACT MEASUREMENTS SHOULD BE COLLECTED FOR ANY CONSTRUCTION WORK.

ISSUE DATE: 12/29/22
SHEET NAME: <b>SECTION</b>
SHEET NO: <b>S8</b>
132/233
MCE PROJ NO: 22-37



# STARIN PARK WATER TOWER

WHITEWATER, WISCONSIN

2/17/2023

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## **Appendix B**



**December 12, 2022**

Ms. Eileen McEnroe Hankes, PE  
**McEnroe Consulting Engineers**  
7251 W. North Ave. Suite 1  
Wauwatosa, WI 53213

[eileen@mcenroe-eng.com](mailto:eileen@mcenroe-eng.com)

**RE: Starin Tower Rehabilitation**

Dear Eileen:

Thank you for the opportunity to provide budgetary figures for the masonry restoration of the tower in Whitewater, WI. Structurewerks will provide the following scope of work per the engineers reports and estimated quantities of repairs:

**SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (82 each)
  - Masonry cleaning exterior
  - Replace mortar wash (504 LF)
  - Rebuild top of wall (320 SF)
  - Stone unit replacements not in belt course (29)
  - Arch stones (23)
  - Repointing of exterior joints (863 LF)
  - Repointing joints on interior (4,300 SF)
  - Crack repointing (15 LF)
  - Epoxy stone (14 locations)
  - Mortar wash at base of wall (120 LF)
  - Various steel repairs
  - Ladder repairs (10 locations)
  - Door replacements (5 locations)

**The above work budget would be between \$950,000 - \$1,100,000.**



**Notes:**

1. Scaffold access is included in our budget proposal. Rental of 4 months included.
2. Stone replacements are based on sourcing an approved similar type locally.
3. Budgets were assembled using estimated 2023 spring pricing. Costs and availability of products are subject to change. We reserve the right to reevaluate costs at the time of contracting.
4. Certain assumptions were made about size, depth of stone replacements. If it varies significantly, owner shall be contacted to review any cost implications.
5. Basic breakdown of costs would be as follows: Scaffold access 35%, interior restoration/steel repair/doors 20%, exterior restoration 45%.

If you have any questions, please contact me at (262) 408-3960.

Thank you for your continued interest in Structurewerks.

Sincerely,

*Eric Johnson*

Eric Johnson  
VP Sales and Operations



**January 4, 2023**

Ms. Eileen McEnroe Hankes, PE  
**McEnroe Consulting Engineers**  
7251 W. North Ave. Suite 1  
Wauwatosa, WI 53213

[eileen@mcenroe-eng.com](mailto:eileen@mcenroe-eng.com)

**RE: Starin Tower Rehabilitation – REV 1.4.22**

Dear Eileen:

Thank you for the opportunity to provide budgetary figures for the masonry restoration of the tower in Whitewater, WI. Structurewerks will provide the following scope of work per the engineers reports and estimated quantities of repairs:

Phase 1 – Levels 4-5 only

**SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (19 each)
  - Masonry cleaning exterior
  - Replace mortar wash (161 LF)
  - Rebuild top of wall (320 SF)
  - Stone unit replacements not in belt course (29)
  - Repointing of exterior joints (800 LF total in phase 1 and 2)
  - Various steel repairs
  - Door replacements (3 locations)

**The above work budget would be approximately \$590,000.**

## Phase 2 – Levels 1-3

### **SCOPE OF WORK:**

- Exterior/Interior masonry restoration including the following:
  - Stone belt course replacement (63 each)
  - Arch stones (23)
  - Repointing of exterior joints
  - Crack repointing (15 LF)
  - Epoxy stone (14 locations)
  - Mortar wash at base of wall (120 LF)
  - Ladder repairs (10 locations)
  - Door replacements (2 locations)

**The above work budget would be approximately \$420,000.**

## Phase 3 – Interior Work

### **SCOPE OF WORK:**

- Interior masonry restoration including the following:
  - Repointing joints on interior (4,300 SF)

**The above work budget would be approximately \$320,000.**

### **Notes:**

1. Scaffold access is included in our budget proposal. Rental of 4 months included.
2. Stone replacements are based on sourcing an approved similar type locally.
3. Budgets were assembled using estimated 2023 spring pricing. Costs and availability of products are subject to change. We reserve the right to reevaluate costs at the time of contracting.
4. Certain assumptions were made about size, depth of stone replacements. If it varies significantly, owner shall be contacted to review any cost implications.
5. Basic breakdown of costs would be as follows: Scaffold access 35%, interior restoration/steel repair/doors 20%, exterior restoration 45% for all phases of the project. The first phase scaffold budget is \$195,000, the second phase is \$50,000 and the third phase is \$80,000.



6. Exterior cleaning of the masonry would prefer to be completed in the first phase to be able to match mortar and stone samples properly. This represents about \$25,000 of the first phase allocation.
7. If separated into 3 phases over a 5-year period, many of the cost estimates are guesses beyond the first year. Uncompleted work could continue to cause larger quantities to be completed, labor and material costs are unknown that far in advance.
8. For future preservation efforts after the initial restoration, I would have a contractor perform a cursory review from the ground every 2 - 5 years and provide any recommendations. It would be recommended that maybe budgeting \$50,000 within the first 5 years would be prudent in case something is noticed and needs to be addressed.

If you have any questions, please contact me at (262) 408-3960.

Thank you for your continued interest in Structurewerks.

Sincerely,

*Eric Johnson*

Eric Johnson  
VP Sales and Operations

# Starin Park Water Tower - Demolition

## Engineer's Opinion of Probable Construction Cost

Project: Starin Park Water Tower Assessment  
 Date: 12/29/2022

Item	Description	Unit Cost	Quantity	Unit	Cost
1	Dumpster for Misc (40 CY - 10 ton capacity)	\$850.00	6	Week	\$5,100
2	Building Demo	\$2.13	67,000	CF	\$142,710
3	Foundation Demo	\$15.20	444	SF	\$6,749
4	Foundation Backfill	\$16.55	263	CY	\$4,354
5	Salvage Masonry - clean and stack on pallet	\$3.76	12,500	Each	\$47,000
6	Loading and Hauling up to 5 miles	\$15.50	2,500	CY	\$38,750
7	Dump Fees - 10% of masonry materials	\$81.00	300	Tons	\$24,300
8	40 Ton Crane Use	\$3,500.00	20	Days	\$70,000
9	Fence Removal	\$4.81	2,400	LF	\$11,544
10	Site Restoration (topsoil & seed)	\$24.25	667	SY	\$16,167
Subtotal:					\$366,674
General Conditions (gen req, bond, etc)					25% \$92,000
GC Overhead & Profit					10% \$46,000
A/E Design and Oversight					5% \$23,000
Contingency					15% \$80,000

**Total: \$610,000**

\* All totals and subtotals are rounded up based on the level of detail in the design



## Council Agenda Item

Meeting Date: February 23, 2023

Agenda Item: Discover Whitewater Series - Unbudgeted Expenditure

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

### BACKGROUND

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

The City received an invoice for a \$6,000 contribution to the 2023 Discover Whitewater Series race. While this event has been budgeted in past years, it was not budgeted for 2023 as a necessity to balance the General Fund budget.

There is no delegation of authority to approve this unbudgeted expenditure under the Procurement Policy. It requires Council action to approve. Any approval would use Unassigned Fund Balance to pay for this expense.

The financial viability of the event absent this contribution is unknown.

We are also unaware as to how this and other funds are allocated for the event. Typically, the City would also see a budget for this type of event as this is public money financing an event not run by the City.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

\$6,000 unbudgeted expenditure from the General Fund.

### STAFF RECOMMENDATION

N/A

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Discover Whitewater Series Invoice

Discover Whitewater Series  
PO Box 41  
405 Panther Ct  
Whitewater, WI 53190



January 30, 2023

# INVOICE

Invoice No: 2023-2

To: City of Whitewater  
ATTN: John Weidl

Quantity	Item	Description	Unit Price	Line Total
1	2023 DWS Sponsorship	Title Level	\$5,000.00	\$5,000.00
1	Sponsor Exclusive	100 Yard Signs with Logo	\$1,000.00	\$1,000.00

Subtotal:	\$6,000.00
<b>Total Due:</b>	<b>\$6,000.00</b>

Please remit payment to  
Discover Whitewater Series  
405 Panther Ct  
Whitewater, WI 53190

Email

[Info@RunWhitewater.com](mailto:Info@RunWhitewater.com)

Website

[www.RunWhitewater.com](http://www.RunWhitewater.com)



## Council Agenda Item

Meeting Date: February 23, 2023

Agenda Item: Telecommuting Policy revised draft

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

### BACKGROUND

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

The City Council President spoke with the City Attorney regarding the information below and we believe it would be wise to return to the Council this meeting with a request for discussion and request for more clear direction regarding a telecommuting policy. In consultation with the City Attorney, we believe the transcript of the motion itself does not appear to be substantive enough to provide framework for a policy based solely on the motion.

We have provided the Council with additional policies from CVMIC and another Wisconsin community for consideration and to provide more insight. The transcript of the Common Council discussion is included under previous actions.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Here are the minutes from the relevant City Council meeting and a draft policy based on those minutes.

**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 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 as 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.

IMPACT  
(If none, state N/A)

The costs of recruiting and retaining employees will go up immediately and moving forward the City will lose many candidates to this policy when it comes up during recruitment. Flexibility can be and is a suitable part of compensation and is an expected component of the workplace in today's employment market – even in government.

CVMIC, our insurance carrier, has sent us a sample policy, which I have included along with another policy implemented in Wauwatosa, Wisconsin. Workplace flexibility how organizations are staying competitive in today's hiring market. To be honest, I cannot understand why we are so invested a policy framework that runs counter to prevailing management practices and policy guidance provided by our insurance carrier.

When flexibility is removed, the salary requirements rise to compensate. As other organizations adapt, the City will continue to fall behind the hiring curve.

STAFF RECOMMENDATION

The City Manager does not recommend approval of this policy as written. The policy as proposed does not conform to any citable best practice, interferes with existing arrangements that have been in place under the previous City Manager and previous Common Councils, and does not consider policy guidance from the City's own insurance carrier and human resources resource, CVMIC.

Ideally, we model through behavior and policies the behaviors we expect in our staff – patience, problem solving, accountability and adaptability when possible. Said another way, we currently allow for Common Council members, appointed committee members, and the public in general to participate in meetings, governance, and other City business from outside the office through telecommuting arrangements on a daily, if not weekly basis. This policy as drafted seems to exist solely to exclude non-Common Council City employees from that allowance.

Bottom line, this policy will negatively impact recruitment of future talent and retention of existing employees and appears based on opinion, not best practice, documented complaints, or problem solving. I am not sure what benefit or advantage is to be obtained by this policy's approval.

Having said that, I will dutifully draft, implement, and enforce what is decided.

Respectfully, - JSW

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

Policy 306.00 Telecommuting  
CVMIC Remote Work Guidelines  
Telecommuting Agreement (CVMIC)  
City of Wauwatosa – Flexibility in the Workplace Policy

		<p align="center"><b>Policy 306.00 Telecommuting</b></p>			
Owner:	HR Manager	Approving Position:	Common Council	Pages:	1
Issue Date:		Revision Date:		Review Date:	
Special Instructions:					

I. Purpose – The City of Whitewater considers telecommuting not to be a viable alternative regular work arrangement. City of Whitewater employees are expected to work in-person and during established working hours, except as provided below.

II. DEFINITIONS

A. Telecommuting: working one or more days each work week from a remote work location instead of commuting to a centrally located worksite.

III. GUIDELINES

A. Under extraordinary circumstances, the City Manager has the authority to waive the policy on a one-month basis for one or more employees, as long as the waiver is communicated through email to the City Council before the waiver is extended past one month.



# CVMIC Remote Work Guidelines

<b>Issue Date:</b> March 12, 2021	<b>Revision(s):</b>	<b>Pages:</b> 7
<b>Policy Source:</b> Cities and Villages Mutual Insurance Company		
<b>Special Instructions:</b>		

## I. PURPOSE

This document outlines CVMIC’s Remote Work Guidelines, considering Federal and State employment laws, and adherence with workplace safety requirements.

## II. GUIDELINES

### a. Primary Office

Remote work arrangements can be made upon request or election. The sole determination of whether a remote work arrangement will be effective will be made by each employee’s direct supervisor, considering the needs of the position/department/CVMIC, employee performance, and whether the work and member and/or team communication can be accomplished remotely.

Employees should indicate their primary office location preference, using the “*Primary Work Location Election & Remote Equipment Needs*” form. Employees who elect and prefer their primary office location to be their home will sacrifice their CVMIC office to maximize CVMIC’s office space needs. However, CVMIC has established offices that can be reserved and open air cubicles equipped for employees to work in while working at the office.

### b. Remote Location Needs

CVMIC will provide the equipment necessary for employees to work remotely, including a laptop, docking station, monitors, keyboard/mouse, printer, and telephone. If necessary, CVMIC may provide additional furniture and/or equipment that enable employees to work as safely and effectively as possible (i.e. office chair, adjustable desk).

CVMIC will be able to assist in the set-up of remote offices, if necessary. Employees and their direct supervisor should work directly with IT on arranging for the set up. CVMIC will also be able to provide an ergonomic assessment of remote workstations. Employees and their direct supervisor should work with the Director of Loss Control to arrange for the assessment.

### c. Remote Employee Expectations

CVMIC Administration reserves the right to modify a remote work arrangement at any time and to remove the employee from the arrangement for any reason. With proper notice, the employee may stop participating in the arrangement at any time.

Employees should be available during their scheduled work hours (between the hours of 7:00 a.m. and 5:00 p.m.) for communication through phone, Teams, e-mail, in-person or other

appropriate communication tools (i.e. text). Employee initiated schedule changes must be approved by their supervisor.

Employees who participate in a remote work arrangement agree that CVMIC Administration or their direct supervisor may make onsite visits during established work hours and that such visits may be made without notice.

All records, papers, and correspondence done remotely are considered CVMIC's business, and employees should take precautions to protect records from unauthorized disclosure or damage. Employees must continue to maintain all information which is protected by federal or state regulations in a confidential manner. Telephone contacts involving such information should be conducted in a private area. Passwords and authenticator codes to CVMIC's software must be kept confidential. Employees must ensure that family members and others will not have access to protected information at any time.

Occasionally a remote employee's presence may be required in the traditional office for meetings or other purposes and it is the responsibility of the employee to be present when requested. In most cases the employee will be notified in advance of the requirement.

#### **d. Remote Office Requirements**

Remote employees must have safe and adequate workspace to work from home. Following are criteria that must be met for home office safety requirements:

- The temperature, noise, ventilation, and lighting levels of the dedicated office area must be adequate for maintaining normal levels of job performance.
- File cabinet doors and drawers are arranged so they do not open into walkways.
- Phone lines, electrical cords and other extension wires are secured.
- Aisles, corners, and doorways in the work area are free of obstructions.
- If a space heater is used, it must shut off if it tips over.
- Space heaters must also be plugged directly into an outlet and not into a power strip.
- Keep the work area clear of any trip hazards.
- Require the use of surge protectors for CVMIC equipment at your home office.

In addition to meeting safety requirements in the home office, a remote workstation must be ergonomically suited for the employee (*see attached proper workstation set-up*). Employees will be responsible for ensuring they maintain the following ergonomic guidelines while working from home:

- The office chair should be adjusted so feet are flat on the floor or footrest and legs are vertical to the ground.
- The computer monitor should be directly centered in front of the user. The user should not have to look up, down, left, or right for better viewing. Additionally, the monitor should be at a comfortable viewing distance.
- Use good posture when keyboarding. Elbows should be at a 90-degree angle. Wrists should be level with the keyboard.

#### **e. Remote Office Equipment**

CVMIC reserves the right to make the determination as to the appropriate equipment which is subject to change at any time. Equipment needs may be periodically assessed by IT to ensure that the employee is equipped for remote work based on the needs of the position. CVMIC may provide necessary computer and telephone equipment for a fully functional real and virtual office for employees who predominately work remotely. CVMIC IT will supply the following equipment for approved remote employees. The installation of software and hardware, such as Netextender (VPN), and desk phones need to be compatible with remote WiFi.

- Laptop pre-loaded with required standard programs
- VoIP capable telephone that connects to internal phone system
- Printer

Remote employees will be responsible for providing Internet connectivity that is at least a standard speed, which doesn't impede the employee from completing online work in an efficient manner. Connectivity should be checked before the employee begins working remotely.

In no event shall the use of CVMIC's equipment change the ownership of or impede CVMIC's access to the equipment. All equipment and materials provided by CVMIC shall remain CVMIC's property. The employee agrees to return all CVMIC owned furniture, equipment, and supplies in proper working condition and agrees to take financial responsibility for missing and/or broken items upon the termination of the remote working arrangement or termination from employment. If the employee's own home equipment (i.e. home phone) is used, it will be at the employee's expense. Special supplies not normally provided by CVMIC may be the employee's responsibility. Expenses for supplies normally available in the office may or may not be reimbursed depending on the circumstances.

Equipment provided by CVMIC must not be used for purposes other than CVMIC business and must be kept in a secure, confidential location, and protected against damage and unauthorized use. CVMIC equipment will be serviced and maintained by CVMIC during normal business hours (8:00 a.m. – 4:30 p.m. CST). Equipment used remotely may be initially set up by CVMIC IT, if feasible. Employees should make arrangements directly with the IT Project Manager if so desired.

If equipment requires repair or replacement where it is impossible for the employee to work remotely, the employee may be temporarily assigned to another location or may suffer loss of pay for hours not worked. Any lost hours may be made up within the confines of the Fair Labor Standards Act.

CVMIC will not be responsible for operating costs, home maintenance, or any other incidental costs (i.e. internet cost, utilities) associated with the use of the employee's residence. CVMIC is not responsible for insuring any personal equipment in the employee's remote office. The employee understands that he or she is responsible for any tax and insurance from this arrangement.

## **f. Legal Compliance**

### **1. Liability**

CVMIC will not be liable for damages to the employee's property resulting from participation in the Remote Work Arrangement. By participating in this arrangement, the employee agrees

to hold CVMIC harmless against any and all claims including injuries to others at the remote location. If an employee is injured while working remotely, the employee should follow CVMIC's established procedures for reporting on-the-job injuries.

**2. Employment Laws**

Remote employees will be held to the same employment law standards as employees in the traditional office. They will adhere to normal work schedules and will have to obtain prior management approval for any change to their normal work schedule (including overtime).

**3. Time Off**

Remote employees agree to follow established procedures for requesting and obtaining approval of leave, including sick leave (in the event of illness). Remote work may be used as a temporary arrangement in lieu of paid time off at the Manager's and HR Manager's discretion.

**4. Child/Elder Care**

Remote work is not an alternative for child or elder care and the remote employee agrees to make regular dependent care arrangements during remote work.

**PRIMARY WORK LOCATION ELECTION  
AND REMOTE EQUIPMENT NEEDS**

<b>Instructions:</b> Please complete the form and submit the completed form to your direct supervisor.		
Name:		
Department:	Position	
Supervisor:		
Telephone Numbers: Work:	Cell:	Other:
<b>I. Primary Office Location (3 days or more per week):</b>  <input type="checkbox"/> CVMIC <input type="checkbox"/> Home or Other (Identify): _____		
<b>II. Work Schedule</b> (approximate start/finish time):		
<b>III. Remote Equipment Needs</b>  <input type="checkbox"/> Laptop Computer <input type="checkbox"/> Computer Monitor (Number) <input type="checkbox"/> Docking Station <input type="checkbox"/> Telephone <input type="checkbox"/> Printer <input type="checkbox"/> Chair <input type="checkbox"/> Desk <input type="checkbox"/> <del>Check if you would like IT to set up your remote office</del> <input type="checkbox"/> Check if you would like CVMIC to conduct an ergonomic assessment of your remote work area		
<p>This agreement is subject to the terms and conditions stated in CVMIC’s Remote Work Guidelines, a copy of which has already been made available to the employee. I have read and understand both CVMIC’s Remote Work Guidelines and this agreement. I agree to abide by and operate in accordance with the terms and conditions outlined in both documents. I agree that the sole purpose of this agreement is to regulate remote work and it does not constitute an employment contract. I understand that this agreement may be terminated at any time.</p> <p>If the reason for the remote work request is due to a medical condition, documentation must be attached to this form supporting this request. Furthermore, the employee agrees to operate within any work restrictions they might have as a result of their own medical condition.</p>		
Employee Signature:	Date:	
Supervisor Signature:	Date:	



# Proper Workstation Set-Up

## Chair

- Workers thighs are parallel to the floor
- Workers feet are resting flat on the floor or footrest
- Lumbar support is supporting the workers lumbar region of their back
- Seat pan is not contacting the back of the workers knees
- Armrest are adjusted so the workers elbows bend between 90° and 120°

## Keyboard and Mouse

- Height of the keyboard and mouse allows the workers elbows to bend between 90° and 120°
- Keyboard location allows the workers wrist to remain in a neutral position
- Mouse location allows the workers wrist to remain in a neutral position
- Mouse is located next to the keyboard
- The workers wrist are never resting on a hard surface

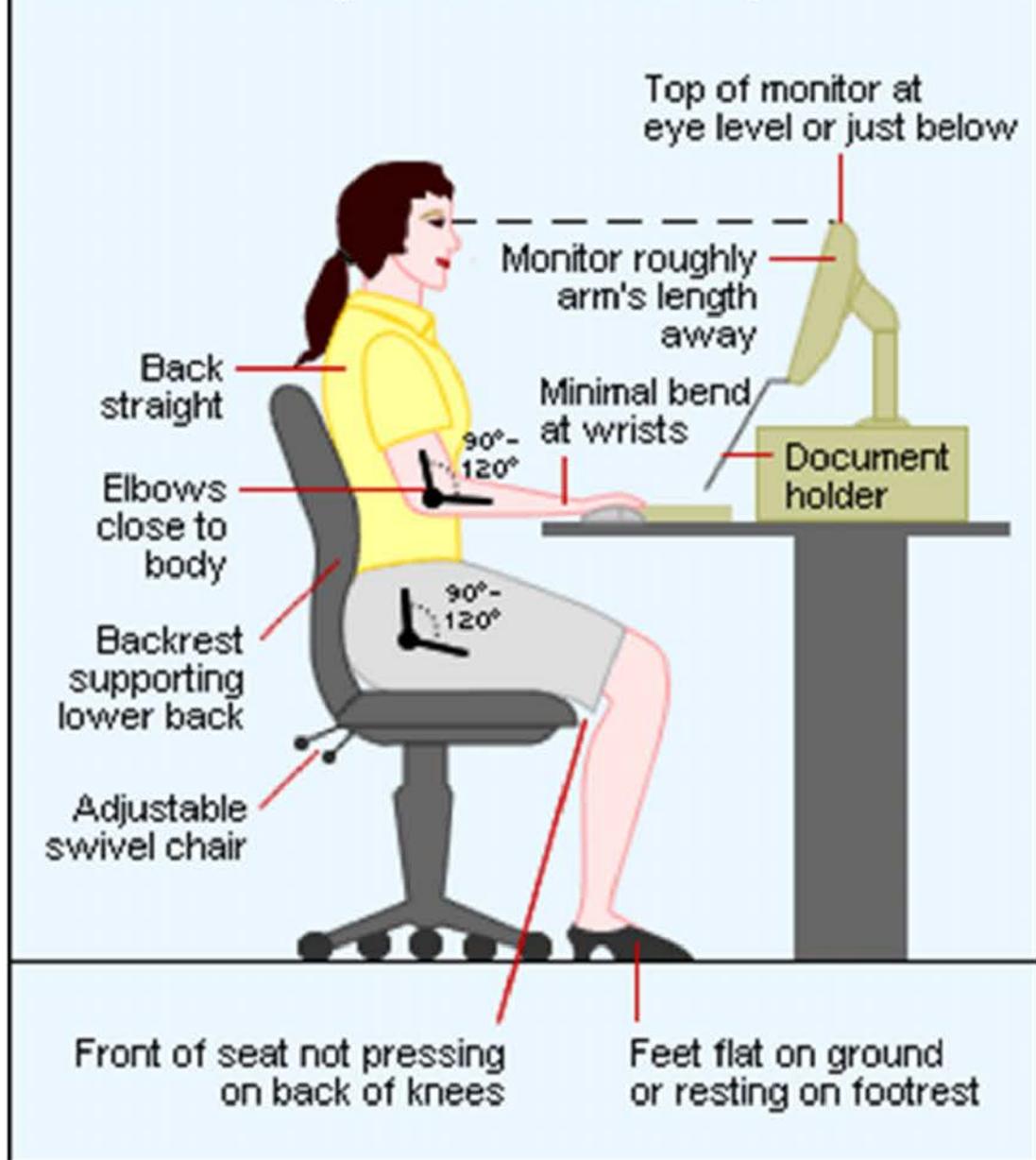
## Monitor

- Monitor is directly in front of the worker
- Monitor is located 18"-30" (Arm's length) away from the worker
- Top of the monitor is at about eye level of the worker
- Monitor is positioned so it has no glare

## Workspace

- Frequently used items are within arm's reach
- Phone is located on the same side as the hand that is used to answer it
- Adequate room is provided for all equipment and the worker

## Workstation ergonomics: ideal set-up



# Employee Telecommuting Agreement



Employee Name:
Job Title/Department:
Effective/Review Date:
Work Location:
Scheduled work days/times:

Supervisor and Department Manager have reviewed the telecommuting request and it meets the following Criteria and Conditions:

- Fits the needs of the department/division
- Fits the needs of the employee
- Employee’s current and past job performance, as documented in performance evaluations, includes time management, organizational skills, self-motivation, and the ability to work independently
- It will not reduce or limit services to the public

Telecommuting is a management tool allowing for flexibility in work options and does not change the basic terms and conditions of employment. Any software, products, documents, reports or data created as a result of employee’s work related activities are owned by the city.

**City Property Loaned:**

Detailed description of Equipment (model, serial number, etc.)	Replacement Value

- ✓ Employees must abide by the city’s policies covering hours of work, approval of time off, information security, software licensing and data privacy.
- ✓ Equipment supplied by the city must be used for work-related purposes only. Employees are prohibited from allowing others to access or use city property.
- ✓ Employee must protect city-owned equipment from any hazards and dangers that could affect the equipment or themselves. Employees must report any incidents of loss, damage, or unauthorized access at the earliest reasonable opportunity.
- ✓ Maintenance on city-owned equipment will only be performed by the city-authorized technicians.

**Non-reimbursable/Non-payable Expenses**

Employees are responsible for providing space, telephone, printing, networking and /or internet capabilities at the telecommute location and shall not be reimbursed by the city for these or related expenses. Internet access must be via DSL, Cable Modem, or an equivalent bandwidth network.

**Work Performance/Expectations**

Eligibility for and continued involvement in the telecommuting program will depend heavily on the employee’s work performance. Supervisors will annually review the employee’s performance with them and indicate any future action required by completing a new agreement form.

**Approval/Acknowledgements**

Employee Agreement:

I have read and understand the contents of this telecommuting agreement and the city’s Telecommuting policy; and agree to abide by all of the requirements.

---

Employee’s Signature

Date

Supervisor Approval:

The above-named employee has met all of the terms and conditions of the City of Sun Prairie’s Telecommuting policy and approval is granted.

---

Supervisor’s Signature of Approval

Date

**\*Original copy must be placed in the employee’s personnel file.**

## **Summary of IT Equipment Available for Remote Work**

June 22, 2021

The city will provide one of the following equipment options for work at home use if the employee is 60% per week or more working remotely. The option offered will be determined by IT and the employee's supervisor:

### **Option One:**

1. A smart remote terminal (fixed, not portable)
2. Extra monitor if needed
3. Keyboard and mouse

### **Option Two:**

1. A laptop
2. One or two monitors as needed
3. A docking station
4. Keyboard and mouse

Printers and scanners will not be provided for work at home. Employee home printers and scanners will not be supported by IT.

The employee must provide stable broadband internet service at their expense. Diagnosis and support of home networking issues will not be provided by IT.

If an employee does not work remotely at least 60% of each week, the City will not provide any remote working IT equipment at this time.

# City of Wauwatosa Employee Policies

## Flexibility in the Workplace Policy

**Issue Date:** 5/06/2021

**Revision Date:** 1/01/2023

### Objective

The City of Wauwatosa supports and encourages flexible work arrangements and allows departments to implement these arrangements, where appropriate, for eligible employees. The City recognizes the changes in workforce trends and the need to improve efficiency of its operations, better address work, personal and family demands, and retain valuable employees. This policy outlines the City's commitment to providing flexible work arrangements to enable and enhance employee's work life balance.

Flexible work arrangements offered at the City include:

- Remote Work
- Flextime
- Compressed Workweek

### Policy Overview

#### **Alternate Work Arrangement Definitions**

**Remote work:** Employees working at an alternative location (most commonly from home) rather than physically traveling back and forth to a designated site.

**Flextime:** A standard 40-hour workweek (for full-time employees) is completed but there is flexibility in establishing daily start and end times. Days of the workweek may have varying start and end times, but the pattern should recur predictably over each workweek.

**Compressed Workweek:** Employees work 40 hours in less than five (5) full work days. The most common types of compressed workweeks are working four (4) 10 hour days or four (4) 9 hour days and (1) 4 hour day within a week.

#### **Eligibility**

A flexible work arrangement is a department option and certain positions, by their nature, are not suited for flexible work arrangements. Participation is not appropriate for all employees and no employee is entitled to, or guaranteed the opportunity to have a flexible work arrangement.

An employee's classification, compensation, and benefits will not change if approved for a flexible work arrangement.

#### **Approval**

All flexible work arrangements must be approved by the employee's supervisor and Department Head prior to implementation. Department Heads are responsible for ensuring flexible work

arrangements do not disrupt City operations and level of service(s) provided and that employees are productive and responsive while working. Prior to approval of a flexible work arrangement, supervisors and Department Heads will take into consideration a number of factors, including but limited to, customer service requirements, equipment availability, employee performance, level of supervision needed, safety and liability concerns, etc.

To be approved for a Remote Work arrangement, employees must read the outlined Remote Work conditions below. All desired Flexible Work Arrangements must be presented to and approved by the employee's immediate manager in advance.

## Remote Work Guidelines

### **Expectations and Responsibilities of Employees**

The employee is responsible for maintaining a safe and ergonomic environment during the remote work arrangement.

Employees may be called to work at their regular workplace on their regular remote day to meet workload requirements. The supervisor should provide as much advanced notice as possible. Time spent in normal commuting or ordinary travel from the employee's home to the workplace when no work has been performed at multiple locations shall not be considered as hours worked.

The duties, obligations and responsibilities of an employee who works remotely are the same as employees at the centrally located workplace. Employees who work remotely are expected to be working at their home, or other designated location, during their flexible work arrangement.

Employees are responsible for maintaining availability, responsiveness and levels of productivity and quality of work at the expected standard while remotely working. Inadequate availability, reduced work production and/or poor or reduced work quality may be cause for modifications or end to remote arrangement.

Remote workers who are hourly employees (non-exempt under the Fair Labor Standards Act) are expected to record all hours worked in the City's timekeeping system- Kronos. Hourly employees who are approved for an alternate work arrangement must discuss and be approved for any alterations to their schedule or hours with their supervisor in advance. Hourly employees who begin their day working remotely and then commute to the office to continue working (or vice versa) without relieving themselves of their duties for a significant rest period must be paid for travel time. For example, if an hourly employee traveling from a remote site to work stops for fuel on the way, that travel time is compensable. However, if the employee began work at a remote location and travels to work but stopped for fuel and for a doctor's appointment that time may not be compensable. For these reasons hourly employees must have these situations approved by their supervisor in advance.

Employees are responsible to provide a stable and sufficient internet connection to be able to complete their work efficiently. Employees are expected to perform due diligence to protect the security of City's data and information and confidentiality while working from home or at an off-

site location. Employees should continue to abide to the *City's Computer, Internet and Email Use* policy.

### **Equipment and Supplies**

Computer and telephone equipment may be provided on a case-by-case basis to employees, by the City, based on availability. Remote access to the City's network may be provided to the employee at the discretion of the IT staff based on the recommendation of the employee's supervisor and Department Head. If the City's remote access system includes Internet access or other services, the employee may only use this access or service in a manner consistent with City policies (see the City's *Computer, Email and Internet Use* policy for more information).

The City will provide routine maintenance and repairs for City equipment only. The City will not provide maintenance or repairs for employee owned equipment.

The City will not pay for or reimburse the employee for any communications charges, including internet access or service, cell phone charges, etc. aside from what is outlined in the cell phone reimbursement policy.

Necessary office supplies should be obtained through the normal procurement process. Office furniture will not be provided to employees who telework.

Employees who telework are subject to the same city policies regarding the use of City provided equipment, supplies and services as that of employees at the centrally located workplace.

### **Liability**

Workers' compensation coverage is limited to designated work areas in employees' homes or alternate work locations. Employees agree to practice the same safety protocols they would use in the worksite and to maintain safe conditions in their alternate work locations. In the event of a job-related incident, accident or injury during telework hours, the employee shall report the incident to their supervisor as soon as possible and follow normal procedures for reporting.

Worker's compensation will not apply to non-job-related injuries that occur while teleworking. The employee also remains responsible for injuries to third parties and/or members of the employee's family on the employee's premises.



## Council Agenda Item

Meeting Date: February 21, 2023

Agenda Item: Employee Handbook 2011

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

### BACKGROUND

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

Please see the attached employee handbook from 2011. Also, please see the employee manual comparison done by the City Clerk against the policy sections developed under the former City Manager. I have also included a snapshot of the Common Council minutes pertaining to policies or the Employee Handbook.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

### FINANCIAL IMPACT

(If none, state N/A)

N/A

### STAFF RECOMMENDATION

Please direct staff as to how to proceed. As the Employee Handbook from 2011 is still on the books, one path forward would be having CVMIC evaluate the 2011 Employee Handbook for compliance in today's environment and report back to Common Council. CVMIC could also look at the existing (even if unapproved) policy documents that also exist and report on any that should be or should not be incorporated moving forward. This is a service that should be covered through our premium payments.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Employee Handbook
2. Employee Handbook Comparison
3. Policy Research through Council Minutes



**City of**  
**WHITEWATER**

## **Employee Manual**

***Vision Statement:*** *Building upon our rich history, we will continue to be a welcoming, safe, and dynamic community. We will embrace the cultural and educational opportunities that the presence of a thriving university and an increasingly diverse population offers.*

*We will seek to continually improve and make Whitewater strong by fostering public trust and confidence in our government. We will encourage a community characterized by a spirit of openness and fairness that encourages individuals to participate publicly and prosper personally. We will maintain a high quality of life through careful stewardship of all of our many resources.*

***Mission Statement:*** *The City of Whitewater provides efficient and high quality services which support living, learning, playing and working in an exceptional community.*

*Updated and Revised 12.22.2011*

City of Whitewater  
312 West Whitewater Street  
Whitewater, WI 53190  
(262) 473-0500



I. OVERVIEW/INTRODUCTION.....	6
About the City of Whitewater.....	6
Purpose of This Employee Manual.....	6
Organization Chart – See Appendix A. ....	6
City Council Vision for Conduct of City Employees.....	6
What Whitewater Provides Its Employees .....	7
Amendments to this Manual .....	7
II. EMPLOYMENT .....	7
Position Descriptions .....	8
Recruitment and Selection Process.....	8
Immigration Reform and Control Act of 1986 (IRCA).....	9
Work Rules .....	9
Business Hours.....	9
Attendance .....	9
Reporting Absences from Work .....	9
Unusual or Undesirable Working Conditions (Severe Weather or Other Emergencies).....	10
Equal Employment Opportunity & Americans with Disabilities Act Compliance .....	11
III. EMPLOYEE DEVELOPMENT.....	11
Introduction.....	11
New Employee Orientation.....	11
Training.....	12
Performance Planning.....	12
Service Award Program.....	12
IV. COMPENSATION, BENEFITS, LEAVE AND CLASSIFICATION .....	12
Compensation Philosophy .....	12
Compensation Structure and Process.....	12
Pay Period and Hours.....	12
Time Records .....	14
Benefits .....	14
Deferred Compensation Program .....	14
Flexible Benefit Plan.....	14
Group Insurance.....	14
Retirement Plan.....	15
Holiday Pay.....	15
Longevity Pay .....	16
Sick Pay .....	16
Vacation .....	17
Workers Compensation Insurance .....	18
Leaves .....	18
Bereavement (Funeral) Leave.....	18
Family/Medical Leave Act (FMLA).....	19
Jury Duty/Court Leave.....	19
Military Leave.....	19
Sick Leave.....	19
Unpaid Leave .....	19
Compulsory Leave.....	19

EMT-Firefighter Leave.....	20
Classification.....	20
Regular Full-Time Employee .....	20
Regular Part-Time Employee .....	20
Limited Term Employee.....	20
Temporary or Seasonal Employee .....	20
V. PERFORMANCE EVALUATION AND PROFESSIONAL DEVELOPMENT .....	20
VI. DISCIPLINE.....	20
Standards for Conduct.....	20
Unacceptable Conduct .....	21
Discipline Procedure.....	22
Immediate or Crisis Suspension.....	22
Grievance Procedure .....	22
Subject Disciplinary Actions .....	22
Subject Terminations .....	22
Workplace Safety.....	23
Supervisor Notice.....	23
Written Grievance Requirements.....	23
Grievance Process .....	23
Time Limits.....	24
VII. PERSONNEL RECORDS AND ADMINISTRATION .....	24
Employee Personnel File .....	24
The Wisconsin Open Records Law.....	25
Confidentiality and Privacy .....	25
VIII. SEPARATION OF EMPLOYMENT .....	25
Separation Policy .....	25
Types of Separation .....	25
Administrative Guidelines .....	26
Insurance Continuation and Conversion Privileges.....	26
Conversion of Sick Leave at Separation.....	27
Conversion of Sick Leave at Retirement .....	27
IX. WORKPLACE POLICIES .....	27
Bonding Requirement .....	27
Direct Deposit.....	27
Dress Code and Personal Appearance .....	28
Drug Free Workplace.....	28
Drug Testing .....	29
Information Technology Policies and Standards .....	30
General.....	30
Administrative.....	31
E-Mail .....	31
Internet .....	32
Hardware and Software.....	33
Network.....	34
Phone, Fax, Cellular Phone, Photocopy Machines & Other Equipment .....	35
Resource Usage.....	35

Emergency Evacuation .....	36
Employee Assistance Program .....	36
Ethics Policy .....	37
Expense Reimbursement.....	39
Moving Expenses.....	39
Travel Expenses .....	39
Fire Prevention.....	39
Family and Medical Leave Policy .....	39
Statement of Policy .....	39
Eligibility .....	40
Amount of Leave Available.....	40
Types of Leave Covered .....	40
Notifying the City of the Need for Family or Medical Leave .....	42
Medical Certification of a Serious Health Condition .....	42
Additional Certifications.....	42
Use of Paid and Unpaid Leave.....	42
Holiday Pay.....	43
Intermittent or Reduced Schedule Leave.....	43
Benefit Continuation During Leave.....	43
Rights Upon Return From Leave.....	43
Worker’s Compensation Absences .....	44
Early Return from Leave .....	44
Further Information.....	44
Harassment in the Workplace Policy.....	44
Recognizing Harassment .....	44
Responsibilities .....	45
Complaint Reporting and Investigation Procedure.....	45
Nepotism (Employment of Relatives) .....	46
Political Activities.....	46
Providing of Cards/Flowers for Employees.....	46
Reporting Criminal Arrests, Charges, and Convictions.....	47
Residency.....	47
Smoking and Use of Tobacco .....	47
Solicitations and Distributions.....	47
Use of City Vehicles and Use of Personal Vehicles While on City Business .....	47
Violence in the Workplace.....	48
Weapons.....	49
Workplace Safety.....	49
Blood borne Pathogens .....	49
Hazardous Materials Policy .....	49
Loss Prevention Program .....	51
City Safety Committee.....	51
Safety Equipment.....	51
Prescription Safety Glasses.....	52
Vehicle Collision Control and Accident Prevention.....	52
Workplace Safety Policies Specific to Departments .....	53

# **I. OVERVIEW/INTRODUCTION**

## ***About the City of Whitewater***

The Whitewater area was settled in 1836. On April 2, 1885, Whitewater became a City with the adoption of a City Charter. Whitewater has a rich history and many traditions. We encourage you to learn about the City's history because it will help you better understand the City today. The citizens of Whitewater have chosen the Council/Manager form of government. The City Council governs the City of Whitewater with the assistance of a professional City Manager who serves as the Chief Executive Officer of the City.

## ***Purpose of This Employee Manual***

The purpose of this manual is to communicate for you the City's system for administration of all personnel matters. Please read through it carefully. It will provide you with basic information about your employment with the City.

The goal of uniform personnel practices is to ensure that the principles of fairness and merit are the basis of all personnel matters. In addition, the intent of this manual is to assist in establishing a safe, effective and efficient work place for City employees.

This manual has been prepared for informational purposes only. None of the statements, policies, procedures, rules or regulations contained in this handbook constitute a guarantee of employment, a guarantee of any other rights or benefits, or a contract of employment express or implied. Unless otherwise specified by law, statute, ordinance, an employment contract or a collective bargaining agreement, all City employees are employed at will, and employment is not for any definite period. Termination of employment may occur at any time, with or without notice, and with or without cause at the option of the City or the employee. The City may modify or eliminate the provisions set forth in this manual at any time with or without notice. This manual supersedes all previous manuals, statements, policies, procedures, rules, or regulations given to employees, whether verbal or written.

For all employees covered by a collective bargaining agreement, on issues that may conflict with this manual the applicable collective bargaining agreement takes precedent over this manual.

## ***Organization Chart – See Appendix A.***

## ***City Council Vision for Conduct of City Employees***

The City Council is dedicated to a management philosophy that puts the citizen first. Citizens are the focus of all of our services. We are committed to quality customer service. It is important that you as an employee of Whitewater support the efforts of the City Council, and thus, the City Manager in governing the City. Decisions made by the Council and City Manager are based on the City's long term goals. As a team, we can and will achieve those goals in the best interests of the City.

The City expects that you as an employee of the City will promote the City's best interests and will assist all those involved in City government to build goodwill with citizens. In the course of your work, you will come in direct contact with our citizens and at those times you are the "city." The citizen forms an opinion of the City based on his/her interaction with you, thus your performance, attitude and appearance are critical. Please think of all interactions you have with citizens in this way!

### ***What Whitewater Provides Its Employees***

The City of Whitewater believes in creating and ensuring a harmonious working relationship between all employees and between employees and our customers – the citizens of Whitewater. In pursuit of this goal, Whitewater will as your employer strive to:

1. Provide an interesting, challenging, and rewarding workplace and work experience.
2. Hire employees on the basis of skill, training, ability, attitude and character without discrimination with regard to age, gender, color, race, creed, national origin, religious persuasion, marital status, political belief, citizenship status, ancestry, sexual orientation, veteran status or a disability that does not prohibit performance of essential functions.
3. Compensate all employees fairly based on the City Council's established pay plan or based on negotiated labor agreements.
4. Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
5. Provide vacation, sick leave and holidays to all eligible employees.
6. Provide eligible employees with health and welfare benefits.
7. Take prompt and fair action on any complaint which may arise in the everyday conduct of business to the extent it is practicable.
8. Treat all employees with courtesy, respect and consideration.
9. Provide work spaces and offices that are comfortable, orderly and safe.
10. Promote employees on the basis of their ability and merit (consistent, if applicable, with labor agreements in effect).
11. Keep all employees informed of the City's overall goals, objectives and activities.
12. Promote an atmosphere in keeping with the City's vision, mission, and goals.

### ***Amendments to this Manual***

This employee manual shall be reviewed and updated as needed at the discretion of the City Manager. Policy changes shall be subject to City Council approval.

## **II. EMPLOYMENT**

The City of Whitewater has established a recruitment and selection process that is intended to result in the hiring of employees on the basis of skill, training, ability, attitude and character without discrimination. The City is an equal opportunity employer. The selection process works to match the best person to the position available. The best person will have the necessary skills and ability and also will be someone that is comfortable working with our team to achieve the City's goals.

## ***Position Descriptions***

Each department will have a binder containing all position descriptions that pertain to that department. The Human Resources Department will have a complete set of position descriptions.

## ***Recruitment and Selection Process***

Recruitment, application and selection of individuals for employment with the City will be done in accordance with equal employment opportunity laws and regulations. The procedures being described in this section will be used for all regular full and part time positions that the City Council has funded through the annual City Budget. The City Manager authorizes positions to be filled and the position must appear in the Staffing Resolution adopted by the City Council before a recruitment and selection process can be undertaken. Limited term positions are exempted from these requirements. The Police Commission holds the authority for recruiting and selecting protective service positions within the Police Department. The Library Board through the Library Director holds the authority for recruiting and selecting Library employees. Therefore, for those Departments, the following process may or may not apply.

The following steps are included in the recruitment and selection process:

1. The Department Director notifies the Human Resources Department that a City Manager authorized position is vacant. This begins the hiring process.
2. Internal posting is generally done for all City positions. If the situation so requires, the Human Resources Department may initiate both internal and external advertisement of an open position. Where applicable collective bargaining agreements will be followed.
3. The Human Resources Department will forward the applications of all qualified individuals from the internal advertisement to the Department Director for review. Vacancies may be filled from within by promotion, transfer, or demotion of qualified applicants whenever practical and whenever in the best interests of the City.
4. Vacant positions will not necessarily be advertised externally if a qualified applicant is found by reviewing the active application file or through internal recruitment. The active application file consists of a file of applications submitted within the last 12 months during previous recruitment efforts. The Human Resources Department will forward active file applications to the Department Director as well as those resulting from internal posting.
5. The Human Resources Department will list job openings with appropriate external sources.
6. Individuals who wish to be considered for advertised positions are required to complete a City Employment Application Form. Individuals with a current application on file with the Human Resources Department may have their application considered by notifying the Human Resources Department of their interest. Current City employees may apply for these positions and may be considered with other external applicants.
7. After recruitment has been closed, no subsequent applications may be accepted or referred. If a position is not filled, and the Department Director requests more applications, the position must be re-opened in order to allow all interested individuals an opportunity to be considered.

8. An application will remain active for one (1) year. The application process shall be subject to the open records law of the state of Wisconsin. The identity of an applicant can remain confidential under the Wisconsin Statutes if the applicant makes such a request in writing. When an applicant becomes a finalist for a position, the identity may then be disclosed as required by law.
9. Following prescreening, the Human Resources Department forwards applications to the Department Director. The Department Director and the Human Resources Department selects those applicants desired for an interview.
10. Interviews are arranged and conducted.
11. The Department Director notifies the Human Resources Office if pre-employment testing and/or post offer pre-employment physical examinations are required. An applicant may be examined by a doctor of the City's choice at the City's expense.
12. A criminal background check and a detailed reference check regarding the education and employment history of the final candidate(s) will be conducted.
13. A final selection is made and the applicants are notified of the selection.

### ***Immigration Reform and Control Act of 1986 (IRCA)***

This federal law intends to reduce illegal immigration by removing employment opportunities for those who are in the United States illegally. Under this law, the City may only hire citizens and aliens who are authorized by the Immigration and Naturalization Service to work in the United States. To comply with this law, applicants for City positions may be informed that, if offered employment, they may be required to attest, under penalty of perjury as to their employment eligibility and produce an original document or documents which are genuine and legally acceptable to establish their identity and employment eligibility, as listed on the I-9 Form of the Immigration and Naturalization Service. No inquiries may be made regarding citizenship or natural origin.

Exception: the verification requirements of ICRA do not apply to persons in continuous employment with the City since November 6, 1986 or earlier.

### ***Work Rules***

#### **Business Hours**

The Municipal building is generally open to the public for business Monday through Friday from 8:00 a.m. to 5:00 p.m. Other City buildings' hours for business may vary. An employee's particular hours of work and the scheduling of breaks is determined and assigned by the Department Director (or Department Supervisor should the Director so designate).

#### **Attendance**

Employees are expected to be at work and ready to work at the beginning of their assigned work hours. Failing to report for work, habitual lateness and/or absences will be cause for corrective action up to and including termination.

#### **Reporting Absences from Work**

In the event an employee finds it necessary to be absent from work due to illness, injury, or other emergency, he/she must contact their immediate Supervisor directly by telephone as soon as

possible prior to the start of their scheduled work time, unless the employee is unable to give such notice because of the illness, etc. If the immediate Supervisor cannot be reached, a voice mail message will be acceptable. When calling to report absences, employees must state: their name, department, supervisor's name, shift, specific reason for the absence and the date they are expected to return to work.

Should an employee be unable to return to work by the "expected date," he/she must notify their supervisor providing the same information as noted above. Employees not calling in will be considered absent, with "no report."

An employee off work due to illness or injury for an extended period must keep their Supervisor informed weekly of their progress so that the Supervisor can plan work and work schedules.

Employees who are absent for three (3) consecutive work days without notifying their Supervisor will be considered as having voluntarily resigned unless failure to do so is for proper cause. If an employee has been under a doctor's care for an injury, he/she must obtain a doctor's release before they will be allowed to return to work. In addition, employees off with an illness of three (3) or more consecutive work days will be required to provide a dated doctor's slip stating the nature of the illness.

#### Unusual or Undesirable Working Conditions (Severe Weather or Other Emergencies)

When the Municipal Building is closed by the City Manager or his/her designee because of inclement weather, loss of adequate building heat, light, or use of all sanitary facilities for a period of time in excess of four (4) hours, employees shall choose from one of the following options:

- If already at work, be paid for actual hours worked and choose to use vacation time or compensatory time for hours not worked.
- Not report for work and utilize a day of vacation or compensatory time.
- Make up the lost time at a date agreeable between the Supervisor and the employee.
- Hourly, non-exempt employees may take the time unpaid if all vacation and compensatory time has been used or with Supervisor approval.

In any case, employees should notify the Supervisor immediately upon notice of their choice.

In the event the Municipal Building is NOT closed by the City Manager or his/her designee and an employee does not report to work due to inclement weather he or she shall choose from one of the following options:

- Utilize a day of vacation or compensatory time with Supervisor approval.
- Make up the time at a date agreeable between the Supervisor and the employee.
- Hourly, non-exempt employees may take the time unpaid if all vacation and compensatory time has been used or with Supervisor approval.

In any case, employees should notify the Supervisor immediately upon notice of their choice.

## ***Equal Employment Opportunity & Americans with Disabilities Act Compliance***

The City of Whitewater is an equal employment opportunity employer. Employment decisions are based on merit and City needs and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law. Whitewater complies with the law regarding reasonable accommodation for employees with disabilities.

It is the policy of Whitewater to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA). The City will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not impose an undue hardship on the City of Whitewater.

Equal employment opportunity notices are posted near employee gathering places as required by law. These notices summarize the rights of employees to equal opportunity in employment and list the names and addresses of the various government agencies that may be contacted in the event that any person believes he/she has been discriminated against.

Any employee of the City of Whitewater involved in discriminatory practices will be subject to termination.

## **III. EMPLOYEE DEVELOPMENT**

### ***Introduction***

The City of Whitewater desires to provide an interesting, challenging, and rewarding workplace and work experience. To that end, the City believes in and supports employee education, training and professional development.

### **New Employee Orientation**

Within the first week of employment, new employees will be invited to the Human Resources Department for orientation. The purpose of the orientation is to introduce the employee to City policies, rules and benefits programs and to ensure that all employment paperwork is completed within necessary timeframes.

The employee's Supervisor will continue orientation by introducing department co-workers to them, explaining hours of work, reviewing job duties/responsibilities, initiating training and explaining department and safety rules.

## Training

The City recognizes and desires that its employees seek training and educational opportunities to broaden their knowledge, skills and abilities enabling them to obtain and retain the competencies essential to job satisfaction and high quality performance of their duties.

Annually, the City (within budget constraints) budgets and assigns each department under general guidelines consistent with its mission, funds to be used expressly for the purpose of job related education and training that may challenge employees to higher levels of achievement and service.

## Performance Planning

Employees are encouraged to annually set goals and objectives to assist them in measuring their work performance so that they can continue to grow both as individuals and employees.

## ***Service Award Program***

The City desires to express its appreciation for long and valuable service through the use of a Service Award Program. Each City employee who has completed ten, fifteen, twenty, twenty-five, thirty and every five year increment thereafter of City service may be presented with a special “token of appreciation.” Such gift may be presented with suitable ceremony by the City Manager and Human Resources at a designated date. The Human Resources Department will annually determine which employees are eligible for a service award.

# **IV. COMPENSATION, BENEFITS, LEAVE AND CLASSIFICATION**

## ***Compensation Philosophy***

The City of Whitewater strives to compensate all employees fairly based on the City Council’s established pay plan and based on negotiated labor agreements.

## Compensation Structure and Process

Annually, the City Council adopts a pay plan for City employees. This is done by resolution (salary resolution) of the City Council. The resolution is generally done in December for the following fiscal year, thus for January through December. All positions are reflected in the pay plan. Those positions that are assigned a pay range will be divided into steps. Each step represents a percentage increase over the previous step listed. Progression through the steps shall take place upon an employee’s employment anniversary date.

The salary resolution adopted by the Council will reflect compensation for employees covered by a collective bargaining agreement in accordance with the pay as provided for in the collective bargaining agreement in effect.

## Pay Period and Hours

Regular full-time employees, with the exception of public safety employees, are expected to work a minimum of 40 hours per week. Each pay period begins on Saturday and runs for two weeks (14 consecutive days). Pay day is normally every other Friday.

Overtime Pay – Non exempt employees are eligible to receive overtime pay of one and one-half (1 ½) times their regular hourly wages for approved hours worked over forty (40) hours in one (1) week. Time off during the week resulting from use of paid leave such as vacation or compensatory leave will be considered as hours worked for the purpose of determining the payment of overtime. Non-exempt employees on an approved flexible work arrangement will have overtime hours computed only on those hours worked in excess of a forty (40) hour workweek. All overtime must be approved in advance by the employee’s immediate supervisor.

Compensatory Time Off – The City gives non exempt employees the option of receiving compensatory time off instead of overtime pay for overtime hours worked. Comp time instead of overtime pay will be allowed and does not need to be taken in the same time period the overtime is worked. All comp time off must be given at the rate of one and one-half (1 ½) hours for each hour of overtime worked. Comp time scheduling will be done at the discretion of the supervisor.

Call-in Pay – Employees reporting for work at a time other than their regularly scheduled starting time shall be paid a minimum of two hours worked.

Flex Time Off (Exempt Employees) –Because much of the City’s affairs are conducted during board and commission meetings held after normal business hours, it is the expectation of the City that periodic attendance at these meetings is part of the compensation set for these positions. However, exempt employees will be allowed freedom for flexible work hours when personal needs and convenience demand. Exempt employees may, with the approval of their Supervisor, work flexible hours. While Department heads and exempted employees are generally expected to conform to the normal business hours of their departments, they are afforded flexibility in the application of their time to the responsibility involved in managing their job responsibilities. Employees have the option of adjusting their weekly schedule to account for hours worked over 40 hours in that week or the option of tracking those hours on their time sheet to take off in another week. Time off that is not taken within the week the time off is earned and is for eight (8) or more hours requires written Supervisor approval on the City’s Time off Request Form. All exempt employees must also fully account for all work hours on time sheets provided by the City.

Flex time granted is not allowed for the following: taking absence for illness without charge to said leave; to extend vacation time in the same seven (7) day work week (Saturday – Friday) more than two (2) additional days; pay for overtime worked; and for more than two (2) days (sixteen hours) at a time.

While hours in excess of 40 hours will be tracked on one’s time sheet these hours are not to be misconstrued as an accruing balance that is owed to the employee. These hours are not guaranteed time off nor will they be paid out in the form of wages to employees at any time during employment or upon separation.

## Time Records

All employees must report all hours of work, and all time taken off on their biweekly payroll sheet. This payroll sheet must be verified and signed by the employee's Supervisor and/or Department Head.

## **Benefits**

Benefits are approved by the Common Council and may be amended or deleted from time to time. See the Human Resources Department for additional information on the following benefits.

### Deferred Compensation Program

The City offers employees participation in both the Wisconsin Deferred Compensation Program (WDC) and the International City/County Management Association Retirement Corporation (ICMA-RC) Deferred Compensation Program to those employees that meet the Wisconsin Retirement System (WRS) eligibility definition.

Both programs provide eligible employees with the opportunity to set aside a portion of their annual earnings on a tax-deferred basis to supplement retirement income as regulated by Section 457 of the Internal Revenue Code. Participation in a deferred compensation program is voluntary and is 100% funded by the employee.

### Flexible Benefit Plan

The City offers employee participation in a Flexible Benefits Plan under Section 125 of the Internal Revenue Code to those employees that meet the Wisconsin Retirement System (WRS) eligibility definition. The plan provides employees with an opportunity to set aside money on a pre-tax basis to pay for qualified health care and dependent care expenses.

### Group Insurance

The City provides group health, life, and income continuation insurance benefits under the State of Wisconsin Public Employers Insurance Program to those employees that meet the Wisconsin Retirement System (WRS) eligibility definition. The specific benefits provided are as defined and limited in the literature provided by the Wisconsin Department of Employee Trust Funds.

If the terms of the City's health insurance plan permit it, employees who are otherwise eligible for health insurance coverage may opt out of the plan or seek reduced coverage. Employees receiving incentives through this buyout plan will be required to provide proof of health insurance coverage under another plan. The following employees will receive the following payment incentives:

- Employees who are eligible for family health insurance coverage, but who choose not enroll in the City's program.
- Employees who are eligible for single coverage, but who choose not to enroll in the City's program.
- Employees who are eligible for family coverage but who elect single coverage

The supplemental payments are not wages for purposes of overtime or any other benefit calculated based upon earnings.

## Retirement Plan

The City participates in the Wisconsin Retirement System (WRS) Plan. Those employees that meet the WRS eligibility definition are automatically enrolled in the Plan. The City will contribute 50% of the required annual WRS retirement contribution as defined by the Department of Employee Trust Funds.

## Holiday Pay

The following holidays are recognized by the City as paid holidays:

- New Year's Day
- Spring Holiday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Eve Day
- Christmas Day

Employees also are granted one floating holiday that can be used at their discretion subject to their Supervisor's or Department Director's approval. The City Manager and/or City Council may determine other holidays.

Holidays falling on a Saturday will be observed on the Friday before the holiday and holidays falling on a Sunday will be observed on the Monday following the holiday, unless otherwise determined by the City Manager.

The holiday year begins January 1 and ends December 31 of each calendar year.

Employees who have a paid holiday fall within their regularly scheduled vacation period are entitled to another day of vacation outside of that period. Employees on an unpaid leave of absence will not be entitled to holiday pay while on such leave.

An employee must work the scheduled work day before and after a holiday unless excused with pay, to be eligible for holiday pay. Excused paid time off is approved vacation, compensatory time/flex time, sick time, funeral leave, court leave (jury or witness), military leave (first two weeks only), absence resulting from an injury involving workers compensation (first four months only) or where an employee would be on paid leave and a documented situation prevents their timely return to work.

Unless otherwise specified in an employment agreement, non exempt employees who work on the observed holiday shall be paid at a rate of time and one-half; non exempt employees who work on the actual holiday shall be paid at a rate of two times their regular hourly rate.

Regular full time and regular part time (pro-rated basis) employees are eligible for Holiday Pay.

## Longevity Pay

Full-time, regular employees with three (3) or more years of continuous service will be eligible for longevity pay. Semi-annual payments will be paid in June and December of each year. The basis for payments shall be:

- Two percent (2%) of employee's current base pay after the completion of three (3) years of service,
- Four percent (4%) of employee's current base pay after the completion of six (6) years of service,
- Six percent (6%) of employee's current base pay after the completion of nine (9) years of service,
- Eight percent (8%) of employee's current base pay after the completion of twelve (12) years of service, and
- Provided that the total annual payment to any one individual shall not exceed \$1,000.

Employees with authorized leaves of absence, who return to City employment on or before the expiration date of said leave will be regarded as having continuous employment for longevity pay purposes. Any individual whose employment with the City has been terminated for any reason except an authorized leave of absence after January 1, 1974, will be considered as a new employee upon return to City employment.

Any employee who reaches three, six, nine, or twelve years of service on or before March 31, and is on the payroll June 1st will be eligible for one-half (1/2) the longevity payment in June and for each successive semi-annual payment in December and June thereafter. Any employee who reaches three, six, nine, or twelve years of service on or before September 30, and is on the payroll as of December 1st will be eligible for one-half (1/2) the longevity payment in December and for each successive semi-annual payment thereafter.

During the calendar year in which an employee retires under the City's retirement plan, he/she shall be entitled to receive, at the time of the semi-annual payment of longevity, a prorated portion of his/her longevity pay based on days worked.

"Current base pay" is defined as the amount of annual salary being received by the employee at the time the longevity payment becomes due and payable. An hourly employee's base pay will be determined by multiplying the hourly rate times 2080 hours to determine the annual wage. Current base pay does not include overtime. Longevity pay is taxable income.

This benefit does not apply to those employees who were:

- Hired on or after June 29, 2011
- Promoted to an exempt status position on or after January 1, 2012.
- Classified as exempt employees and hired on or after January 1, 2007; and
- Those employees excluded from this benefit per their employment agreement.

## Sick Pay

Regular full time and regular part time (pro-rated basis) employees shall be entitled to accumulate sick pay at the rate of one day for each month of continuous service. In any event,

sick pay accumulation shall not exceed twelve (12) days during any one calendar year. Unused sick pay can be carried over into the subsequent calendar years for future use.

Employees hired on or before June 29, 2011 choosing to resign from service with the City after providing a minimum of two (2) weeks' notice, and after having worked for the City for a minimum of five (5) consecutive years are eligible to receive a cash payout of fifty percent (50%) of that entire employee's accumulated sick leave. Accrual of sick days for this purpose shall be a maximum of one-hundred eighty (180) days. Therefore, the maximum payout of accumulated sick leave shall not exceed ninety (90) days.

If the separation of an employee meets the definition of retirement as defined in section VIII SEPERATION OF EMPLOYMENT, the separating employee may choose to instead use their sick leave payout for the purchase of health insurance. See VIII SEPERATION OF EMPLOYMENT for further details.

In case of the death of an active employee, the employee's survivors shall receive a cash payout of one hundred percent (100%) of that entire employee's accumulated sick leave.

### Vacation

Vacation is intended not only to reward an employee for service to the City but also to provide employees with a break from their normal routine so that they may become refreshed and recharged before returning to work again. Therefore, pay in lieu of time off is not permitted. Each eligible employee should take a period of time away from work, at least once a year. Vacation may not be accumulated beyond the amounts authorized.

Regular full time and regular part time (pro-rated basis) employees are eligible to receive vacation.

All employees must have the approval of their Supervisor or Department Director in writing before beginning vacation. This will be done at least five (5) working days prior to the start of the vacation. The minimum vacation time an employee may take at any time is one-half day (4 hours) in any one day unless otherwise approved by his or her Supervisor. Employees may be required by their Supervisor or Department Director to take one vacation consisting of at least five (5) consecutive workdays during each calendar year of employment.

Vacation continues to accumulate while an employee is on regularly scheduled vacation, paid sick leave, paid military leave, or paid temporary disability leave through worker's compensation (for a period of four months or less). An employee on a leave of absence for a time that is in excess of a paid benefit leave is considered on inactive status and not eligible to accrue vacation benefits during such absence, unless the leave is covered under the Family Medical Leave Act (FMLA).

Paid vacation following a leave of absence may only be authorized after the employee has returned to work for a period of time equal to that of the absence, up to a maximum of six (6) months. Further, a leave of absence cannot be extended by adding on accumulated vacation.

Vacation leave will be awarded on a calendar-year basis. Regular full time employees who are not otherwise bound by an employment agreement will be eligible for vacation time based on the following schedule:

**Vacation Award by Years of Service**

- 1 year of service = 10 days
- 3 years of service = 12 days
- 5 years of service = 14 days
- 8 years of service = 16 days
- 10 years of service = 18 days
- 12 years of service = 20 days
- 15 years of service = 22 days

Upon completion of three months of continuous service with the City, new employees will receive vacation at a rate of 10/12 of a day per month employed in that calendar year, excluding the vesting period or first three months of employment.

Any employee leaving service to the City in good standing after giving two (2) weeks' notice in writing of such termination of employment will be compensated for vacation accrued to the date of separation, provided said employee has served at least twelve (12) consecutive months prior to separation. No employee will be permitted to waive vacation for the purpose of receiving double pay. Employees who are transferred from one department to another will have their annual vacation credits transferred with them.

**Workers Compensation Insurance**

The City provides workers compensation insurance in the event of an injury that occurs while an employee is working. Employees must report any injuries to their Supervisor or Human Resources immediately following the injury. The specific benefits provided are defined and limited in the literature provided by the City's insurance company.

***Leaves***

**Bereavement (Funeral) Leave**

In the event there is a death in the immediate family of an employee, consisting of spouse, parent, grandparent, child, brother, sister, grandchild, mother or father in law, son or daughter in law, brother or sister in law, or that of anyone domiciled with the employee, and the employee attends the funeral service, such employee shall be granted up to a three (3) day leave of absence with full pay. Any employee shall be granted up to one day absence with pay in case of a death in the family other than hereinbefore set forth or the death of a close friend of such employee, provided the employee attends the funeral service. Extension of a bereavement leave shall only be granted in writing by the Department Head and approved by the City Manager. Extensions may be approved with unpaid leave or may be approved with vacation or comp time.

### Family/Medical Leave Act (FMLA)

Both State and Federal Law provides certain benefits for Family and Medical Leave. Posters are posted in the workplace for reference and a statement of policy can be found in the Workplace Policies section of this manual.

### Jury Duty/Court Leave

Leave with pay may be authorized by the department head, and approved by the City Manager in order that employees may serve required jury duty. Said leaves shall extend as long as the specified duty requires. No overtime shall be paid for work performed by an employee on leave with pay. Expenses incurred as City expenses must be authorized by the City Manager. Any jury duty pay shall be turned over to the Finance Department and the employee shall receive their regular rate of pay. The employee shall retain any monies received as travel allowance.

### Military Leave

Employees who are called to active duty with one of the armed forces shall receive the rights and privileges authorized by federal military and veterans laws with respect to leave, status, and reemployment. An employee who is a member of one of the military reserve units or a National Guard unit will after presentation of their order, receive leave with pay not to exceed seventeen (17) calendar days in a twelve (12) month period.

### Sick Leave

Employees may use accumulated sick leave with pay for absences necessitated by their injury, illness, or that of a member of their immediate family. Immediate family to include parent, spouse, child or anyone domiciled with the employee. Sick leave may also be used for those medical appointments that cannot be scheduled outside of working hours. Doctor's documentation may be required when requesting sick leave. Sick leave may not be used in place of other forms of paid leave.

### Unpaid Leave

Unpaid leave may be granted at the discretion of the City Manager on a case by case basis. Prior to requesting an unpaid leave all vacation time, comp time, and sick time (if applicable to leave request), must be exhausted. Employees granted an unpaid leave of absence will be responsible for the payment of benefit premiums (both the employee contribution and the City contribution) and will not accrue benefits such as vacation time, sick time, etc.

### Compulsory Leave

When, in the opinion of a department head, any employee is unable to perform duties due to any non-service connected injury, illness, or disability, the employee may be required to submit to a physical examination by a physician named by the City Manager.

If the report of the medical examination indicates the employee is unable to perform his/her duties effectively, the department head may require the employee to take such leave as is medically determined sufficient to restore him/her to normal health.

### EMT-Firefighter Leave

Whenever an employee serving as an EMT or voluntary firefighter responds to a call during the regular work day, said employee shall be considered to be in pay status for the duration of the call and return to work, if applicable, provided such affected employees comply with the applicable policies set forth in this manual.

### ***Classification***

Employees are classified as either regular full-time (and exempt or non-exempt as defined by the FLSA), regular part time, limited term or temporary/seasonal.

### Regular Full-Time Employee

An employee regularly scheduled to work forty (40) hours or more per week, year round.

### Regular Part-Time Employee

An employee over the age of 18 regularly scheduled to work a minimum of twenty (20) hours per week for continuous periods, in a year, or over 6 months, which employment is expected to last over a period of time which is greater than two years. Regular part-time employees will be eligible for fringe benefits as provided in this manual, however, benefits shall be provided on a pro-rata basis. 2,080 hours shall be considered a full year in the pro-rata computation.

### Limited Term Employee

An employee, full or part time that is hired for a fixed period of time (i.e. to fill in for another employee on leave or to complete a specific project, not a permanent employee).

### Temporary or Seasonal Employee

An employee hired to perform temporary work or seasonal work.

Limited-term, temporary, and seasonal employees hired on or before June 29, 2011 may work no more than 599 hours in any rolling 12 month period. Limited-term and seasonal employees hired after June 29, 2011 may work no more than 1199 hours in any rolling 12 month period.

## **V. PERFORMANCE EVALUATION AND PROFESSIONAL DEVELOPMENT**

This section will be added to the employee manual at a future date.

## **VI. DISCIPLINE**

### ***Standards for Conduct***

It is the City's objective to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct and work performance. Accordingly, this policy sets forth the (1) standards for professional conduct, (2) behavior that is unacceptable, and (3) corrective actions that the City may impose to address behavior and employment problems.

To ensure orderly operations and provide the best possible work environment, the City of Whitewater expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

All full time and part time employees are covered under this policy unless provisions of a collective bargaining agreement in effect apply to an employee.

### ***Unacceptable Conduct***

Listing all forms of behavior that are considered unacceptable in the workplace is not possible. The following are examples of unacceptable conduct that may result in disciplinary action, up to and including termination of employment. The list is not intended to be exhaustive.

- excessive tardiness or absenteeism
- unsatisfactory job performance
- being absent from work without permission or proper notification
- discourtesy toward other employees or members of the public
- insubordination or failure to perform duties as instructed; willful and intentional refusal to perform work assignments, or to follow orders of a supervisor,
- gross neglect or negligence
- violation of any safety procedure, program, or rule causing unsafe conditions, or carelessness in regard to safety to self or others or failure to properly use safety devices or tampering with safety equipment
- engaging in criminal conduct, threatening behavior or acts of violence, fighting or provoking a fight
- theft or unauthorized possession or use of City property or the property of fellow employees; unauthorized possession, removal, or use of any City property, including documents from the premises without prior permission from management
- sleeping during work hours
- giving confidential information to unauthorized individuals
- spreading malicious gossip and/or rumors; engaging in behavior which creates discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same
- conducting a lottery or gambling on City property
- any act of harassment, sexual, racial or other; telling sexist or racist jokes; making racial or ethnic slurs
- creating or contributing to unsanitary conditions
- obscene or abusive language toward any manager, employee or customer; indifference or rudeness toward a customer or fellow employee
- failure to immediately report loss of, damage to or an accident involving City property
- working under the influence of alcohol or illegal drugs
- possession of dangerous or unauthorized material, such as explosives or firearms, in the workplace

## ***Discipline Procedure***

This procedure applies to all employees of the City with the exception of those covered by a collective bargaining agreement that sets out a different disciplinary procedure.

Under normal circumstances, Department Directors and Supervisors are expected to follow the procedure outlined below. There may be particular situations, however, in which the seriousness of the offense justifies the omission of one or more of the steps in the procedure. There may also be times when the City may decide to repeat a disciplinary step. The City reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

Unacceptable conduct which does not lead to immediate dismissal may be dealt with using the following steps in progression if conduct does not improve within established time periods:

1. Oral Warning.
2. Written Warning.
3. Disciplinary Suspension.
4. Termination.

## ***Immediate or Crisis Suspension***

An employee who is alleged to have engaged in serious misconduct may be suspended with or without pay pending an investigation of the situation.

## ***Grievance Procedure***

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats.

### **Subject Disciplinary Actions**

Any disciplinary action may be subject to appeal by an employee under this grievance procedure except the following:

1. Placing an employee on paid administrative leave pending an internal investigation;
2. Counselings, meetings or other pre-disciplinary action;
3. Actions taken to address work performance, including use of a performance improvement plan or job targets;
4. Demotion, transfer or change in job assignment; or

### **Subject Terminations**

Any form of involuntary separation may be subject to appeal by the former employee except the following:

1. Job abandonment, “no-call, no-show”, or other failure to report to work; or
2. The inability to perform job duties for any reason.

## Workplace Safety

Workplace safety is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

## Supervisor Notice

An employee should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

## Written Grievance Requirements

An employee wishing to file a grievance under this policy must provide a detailed description of the grievance including:

1. The name and position of the filing employee,
2. A description of the issue,
3. A statement of the relief sought,
4. A clear explanation of the facts supporting the grievance;
5. The date(s) when the event(s) giving rise to the grievance took place,
6. A statement of the policy, procedure or rule that is being challenged;
7. The steps taken by the employee to review the matter, either orally or in writing, with the employee's supervisor; and
8. The employee's signature and the date.

## Grievance Process

1. The employee must prepare and file a written grievance with the Department Head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. Together with the HR Officer the Department Head or his/her designee will investigate the facts giving rise to the grievance. The Department Head will inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the Assistant to the City Manager, who shall conduct the investigation with the assistance of the City Manager.
2. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Manager within five (5) business days of the receipt of the decision of the department head at Step 1. The City Manager or his/her designee will review the matter and inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance.
3. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the City Manager's decision, a request for written review by an impartial hearing officer. The City Manager, shall select the impartial hearing officer from a list of candidates approved by the Common Council. The hearing officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is

necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

4. If the grievance is not resolved after Step 3, the employee or the City Manager shall request within five (5) business days of receipt of the written decision from the hearing officer a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the Common Council for review at the Council's next regularly scheduled meeting. The Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The Council or its designee will inform the employee of its findings and decision in writing within ten (10) business days of the meeting. The Common Council shall decide the matter by majority vote and this decision shall be final and binding.

### Time Limits

An employee may not file a grievance outside of the time limits set forth in the grievance process. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved. If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation the grievance will be reviewed at the next possible meeting date. An employee must process his/her grievance outside of normal work hours, unless the employee elects to use accrued paid time (vacation, comp time etc.) in order to be paid for time spent processing his/her grievance through the various steps of the grievance procedure.

## **VII. PERSONNEL RECORDS AND ADMINISTRATION**

The Human Resources Office is responsible for handling personnel records and related personnel administration functions for the City. Personnel records are maintained in a secure location within the Human Resources Office. Questions regarding insurance, wages, and interpretation of policies may be directed to the Human Resources Office.

### ***Employee Personnel File***

An employee's personnel file will contain some or all of the following information:

1. Legal name
2. Home address
3. Home telephone number
4. Person to call in case of an emergency
5. Number of dependents
6. Marital status
7. Change of beneficiary
8. Driving record or status of driver's license, if the employee operates any City vehicles
9. Military status
10. W-4 tax form
11. Training certificates
12. Professional License(s) as appropriate

It is the responsibility of each employee to submit updated information as often as necessary to assure that it is current.

Other types of information that may be in an employee's file include the following: initial hire information, payroll, some benefit information, performance, training, attendance, and separation. Information that will not be found in the employee's personnel file because of confidentiality rules include medical records, records pertaining to labor relations, and other non-duty related personal information.

### ***The Wisconsin Open Records Law***

The Wisconsin Open Records Law protects the confidentiality of personnel files. The law is very specific about what information can be released in the event of a request and under what circumstances the employee involved must be notified.

### ***Confidentiality and Privacy***

Personnel records are confidential documents. Employees have a right to review their own files. With advance notice, employees may view their own files in the Human Resources Office during business hours. Current employees may have copies made of materials from their files. The privacy of employee records shall be respected and preserved to the maximum extent as provided by law and the policy of the City.

## **VIII. SEPARATION OF EMPLOYMENT**

### ***Separation Policy***

The City will process separating employees according to a standardized procedure for the following reasons: ensure the consistent and equitable treatment of employees; review the employee's benefits; reclaim City property; and/or arrange for the distribution of the final paycheck, if applicable.

For purposes of this section, retirement shall refer to a voluntary separation of employment initiated by the employee in good standing when the employee has worked for the City of Whitewater for 15 years or more; or meets requirements for retirement as defined by the WRS and ETF. This includes the eligibility of the employee to begin receiving WRS payments within 30 days of the date of separation.

#### **Types of Separation**

All employee separations shall be designated as one of the following:

**Resignation:** Separation is initiated by the employee for such reasons as other employment, retirement, return to school, leaving the area, or change in family circumstances. A minimum of two (2) weeks' notice is desired for employees. All resignation notices will be submitted to the employee's Department Director. Original resignation notices are placed in the employee's personnel file in the Human Resources Office.

Lay Off: Involuntary separation initiated by the City Manager upon approval of the Common Council due to shortage of funds or work, the elimination of a position(s), or other material changes in the duties or organization, or for related reasons which do not reflect unfavorably upon the service of the employee. The duties performed by an employee laid off may be assigned to other employees already working in the appropriate classification. In laying off employees because of a reduction of forces, the employee with the least seniority may be laid off first, provided that those remaining are capable of carrying on the City's usual operations effectively. The order of layoff should be limited to employees within the affected department or division, or work unit. Employees may be afforded a two-week notice of impending lay off. Employees separated from City service through lay off may be placed on a reemployment list in order of their separation. The last person separated may be the first rehired in the affected department. No other person may be hired in the affected department while there remain employees on lay off.

Death: Separation due to employee death is effective as of the date of the death. All compensation will be paid to the estate of the employee, except for such sums specified by law.

Termination: Involuntary separation.

Completion of Assignment: Employees hired to fill limited term positions will be separated upon completion of the duties for which the position was established. These employees are not eligible for benefit provisions of the City.

### Administrative Guidelines

Employees who separate will receive payment for all earned salary, vacation, and any other pay to which the employee is entitled, subject to proper withholding and deductions. Final pay, if applicable, is normally made available on the first regular payday following the date of separation. Checks are issued through normal distribution channels; alternative arrangements may be made for checks to be mailed, or retained for issue at a later date.

It is the responsibility of an employee who intends to resign to notify their immediate supervisor as soon as possible to allow for the timely selection and training of a suitable replacement. Separating employees are required to return all City owned property such as keys, tools, manuals, computers, etc. prior to the date of separation.

Employees must notify their Supervisor, Department Director or Human Resources in writing of a resignation.

### Insurance Continuation and Conversion Privileges

Eligible separating employees of the City are entitled to continue on all COBRA qualifying insurance plans in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, also known as COBRA.

Group Health Insurance – Eligible separating employees of the City are entitled to convert or continue their coverage under the Wisconsin Public Employees Group Health Insurance Program in accordance with the guidelines set forth by the Department of Employee Trust Funds.

Group Life Coverage – Eligible separating employees of the City are entitled to convert or continue their life insurance coverage in accordance with the guidelines set forth by the Department of Employee Trust Funds.

### Conversion of Sick Leave at Separation

This benefit is only available to employees hired on or before June 29, 2011. For employees hired after June 29, 2011, no sick leave payout option exists. Employees resigning from service with the City after providing a minimum of two (2) weeks' notice after having worked for the City for a minimum of five (5) consecutive years are eligible to receive a cash payout of fifty percent (50%) of that entire employee's accumulated sick leave. Accrual of sick days for this purpose shall be a maximum of one-hundred eighty (180) days. Therefore, the maximum payout of accumulated sick leave shall not exceed ninety (90) days.

### Conversion of Sick Leave at Retirement

General Employees (This option does not exist for employees hired after June 29, 2011): Upon an employee's retirement, all accumulated sick leave days, up to a maximum of 90 days, may be converted to a dollar value and used for the payment of group health insurance premiums. (Conversion formula: the last full year's base wage divided by two thousand eighty (2080) hours multiplied by eight (8) hours multiplied by the number of days of accumulated sick leave). Base wages may include longevity pay. Such premium contributions by the City may continue thereafter unless any of the following events are applicable to the employee: primary insured dies, or primary insured is accepted into a substantially similar program of health insurance coverage.

If the employee later chooses to stop buying into the City's group health plan prior to exhaustion of the accumulated sick leave funds, the City will then reimburse the remaining balance without any interest earnings.

## **IX. WORKPLACE POLICIES**

The City of Whitewater adopts policies as statements of the City's position on a variety of matters. This section of the Employee Handbook provides information for employees on various policies the City has adopted. The policies are listed in this section in alphabetical order so that they may be easily referenced. Please be aware that some of the policies have been summarized for you and may not represent the full policy document language adopted by the City Council. Policies that are unique to a specific City Department rather than a City Wide Policy may be maintained by the Department Director rather than appear in this manual.

### ***Bonding Requirement***

Employees whose employment with the City requires them to handle other people's property or that requires them to handle money, may be required to be bonded. Whitewater will pay the cost of bonding in that event.

### ***Direct Deposit***

The City requires payroll direct deposit for its employees. Participation in direct deposit is a

condition of employment for new hires and a condition of continued employment for established employees. By completing the Payroll Direct Deposit Authorization Form, an employee authorizes the City and listed financial institution(s) to initiate electronic credit entries into the specified bank account(s) for the purposes of payroll. If necessary, the employee also grants the right to correct any such electronic funds transfer resulting from an erroneous overpayment by debiting an account to the extent of such overpayment, on the condition that the employee is notified beforehand of said adjustment.

Paychecks may be deposited into a maximum of three accounts. Employees that have multiple accounts must specify the amounts to be deposited in secondary account(s) and the remaining balance will be deposited in the primary account. Direct deposit will begin within approximately one to two pay periods after the authorization and appropriate documentation is received.

On payday, employees will receive an earnings statement, which shows gross pay, taxes, other deductions, net pay, and deposit information. Employees shall notify Human Resources immediately in the event their bank account is closed or changed. The authority is to remain in full force and effect until Human Resources has received written notification from the employee of its termination in such time and in such manner as to afford the City and financial institution a reasonable opportunity to act on it.

### ***Dress Code and Personal Appearance***

Our city government's professional image is maintained, in part, by the appearance of its employees who interact with residents, vendors, visitors, etc. For this reason, such employees should be well groomed and suitably attired while at work or representing the city. Those found to be groomed or attired inappropriately may be asked to leave their posts and return after adjusting their appearances. They will not be compensated for the time they are away. Also, disciplinary action may be taken against them.

Employees working in municipal building offices should dress in business-casual clothing. They should not wear leisure clothing (e.g., slippers, flip-flops, sweats, shorts, blue jeans, t-shirts, hats, novelty buttons, ripped or disheveled apparel, etc.) or items promoting alcohol/tobacco products or contractors who do business with the city. Supervisors may prohibit additional clothing items or they may make exceptions for the foregoing. On occasion, supervisors may allow employees to dress more casually than is usually required.

Special grooming and attire (e.g., a uniform) are required by some city departments. Employees of these departments must respect these requirements. Public works and maintenance employees may dress in blue jeans, t-shirts, and hats when working outside; however, they should not wear items promoting alcohol/tobacco products or contractors who do business with the city. All employees must wear protective attire (e.g., safety eyeglasses, supportive footwear, etc.) if required by working conditions.

### ***Drug Free Workplace***

Whitewater has a standard of conduct which prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by employees on City property and/or client sites or as a part of Whitewater's activities. The standard of conduct also prohibits an employee from

working under the influence of alcohol or illegal drugs regardless of when the alcohol or illegal drug was used. Whitewater will impose disciplinary sanctions on employees ranging from educational and rehabilitation efforts up to and including termination of employment for violations of this policy. It is the goal of the City of Whitewater to maintain a drug-free workplace (in accordance with the Drug-Free Workplace Act of 1988). Because drug use can seriously jeopardize the health and safety of an employee and the public, it is the policy of the City that a drug-free workplace must be maintained at all times.

Employees must notify the City if they are arrested, charged or convicted of any violation of a statute or ordinance concerning illegal drugs prior to the start of the following business day. Violations must be reported to the Human Resources Department located in City Hall.

### ***Drug Testing***

The City recognizes that the use and/or abuse of illegal drugs and/or alcohol can have a significant impact on our quality of work in terms of safety, productivity, and absenteeism. Therefore, the City has adopted the following drug testing policy.

The City may subject all pre-employment, post offer applicants to drug and/or alcohol testing. Reasonable suspicion testing will occur if an employee is suspected of being under the influence of drugs or of being impaired by alcohol at the work place. Reasonable suspicion shall be determined by one Supervisor but should be observed by two Supervisors if they are available. Reasonable suspicion will be based on observable actions, alone or in conjunction with other factors including but not limited to: dangerous accident prone conduct; decreased job performance which is unexplained; unexplained increased absenteeism; complaints from co-employees and other problems with interpersonal relations; drug related signs such as paraphernalia; reduced short term memory; physical symptoms such as blood shot eyes, dilated pupils, or runny nose, anxiety, body odors or inability to concentrate.

Returning seasonal or re-hired workers, who have previously taken a pre-employment drug test in a prior year of employment with the City, while consecutively employed from season to season, may be exempt from the drug test as a post offer condition of re-employment.

Applicants that are required to undergo and pass a drug test before commencing employment at the City will be advised that a drug test may be required as a part of a pre-placement examination and that any job offer is contingent, among other things, on successful passage of the drug test.

Where active employees are concerned, Supervisors must determine if there is a reason for them to question their employee's fitness and/or conduct with regard to their ability to work. The Supervisor must observe signs of impairment first hand and may not rely upon third party information.

An employee who tests positive as a result of a reasonable suspicion drug and/or alcohol test or refuses to be tested may be immediately removed from active duty. If the positive test is confirmed, the employee may be subject to discipline up to and including termination.

Test results reported as negative but dilute, (<1.003 sg & < 20mg/dl creatinine) are inconclusive and may require re-collection and testing immediately upon receiving initial test results. Re-collection may be observed. The second test result will be final. If a negative but dilute result is reported for the second test and the test was required for a pre-employment exam, the offer of employment may be rescinded. If the second test result is negative but dilute for a random test, reasonable suspicion, or post accident test, the employee may be subject to discipline up to and including termination.

Specimens to be tested may be urine in the case of a drug test and breath in the case of a test for alcohol where there is reasonable suspicion of alcohol misuse or impairment on the job. All testing may take place at the City's contracted testing facility. Drug and breath alcohol testing may be conducted by a laboratory certified by the Department of Health and Human Services (DHHS) according to DHHS protocol at the City's expense.

All employees requested to take a test because of reasonable suspicion will proceed to the City's contracted testing facility with a designated driver and are expected to cooperate fully. Specimens will be screened for five classes of drugs - amphetamines, benzoylecognine (cocaine metabolites), opiates, PCP and THC (marijuana metabolites; and confirmation by Gas Chromatography/Mass Spectrometry (GC/MS). However, the City reserves the right to perform tests for other illegal substances as well.

All test results will be reported to the Human Resources Department. If the test is positive, the medical review officer will contact the applicant or employee. If when the medical review officer contacts the employee, the employee can provide substantiation of legitimate use, the positive test may be reported to the City as "negative." If no legitimate reason for the positive is found, that positive result shall be provided to the City.

Nothing in this policy prohibits the appropriate use of prescription medication legally prescribed by a licensed medical provider. It is the employee's responsibility to discuss with the Supervisor any effects that a medication may have on their ability to safely perform the duties required of their position. Failure to do so may result in discipline up to and including termination.

Results of all drug/alcohol tests will be kept separate from personnel files and treated as confidential information and access to such results is limited.

## ***Information Technology Policies and Standards***

### **General**

The purpose of this policy is to set forth general guidelines for the efficient, ethical and appropriate use of and prohibit inappropriate use of Informational Technology (IT) resources. All IT resources are the property of the City of Whitewater. Employees should not have any expectations of privacy and understand that the City can and will monitor use of all IT resources. The policy is meant to ensure that the use of IT resources among employees is consistent with City policies, all applicable laws and the individual user's job responsibilities. The policy is intended to confirm that all information composed, sent or received is and shall remain City property and it further enhances City-wide coordination and management of electronic

communications and IT resources. This policy is intended to apply to all individuals who have authority to use City electronic communication and IT resources.

### Administrative

All employees will be required to sign the Information Technologies Policies and Standards agreement before using City IT resources. Department heads will be responsible for ensuring this statement is signed and forwarded to Human Resources for placement in the personnel file. Human Resources will thereafter obtain the required signoffs from all new employees hired by the City during employee orientation.

Department heads are considered to be the custodian of all information pertaining to their department as well as enforcement of this policy within their department. Disciplinary action for violation of this policy may include, but is not limited to, verbal or written reprimand, suspension or termination. The department head, together with the City Manager, Human Resources and the Chief Information Officer will investigate reported violations to determine if any action is justified.

### E-Mail

*Scope-* Applies to use of City e-mail services by City employees.

#### *Policy-*

- a) The City of Whitewater is the owner of all e-mail accounts and addresses in its registered domains. All e-mail messages processed by the City's e-mail server become the property of the City of Whitewater. City of Whitewater e-mail users have no right of ownership or expectation of personal privacy in their e-mail usage.
- b) Encryption is prohibited on any documents or e-mail created on City IT resources, without prior approval by the Chief Information Officer.
- c) The City reserves the right, without notice, to inspect, modify, return, reject, redirect or discard any e-mail message it receives, for any reason. The City reserves the right, without notice, to limit or restrict any individual's e-mail usage.
- d) The City may place system-wide limitations on e-mail usage in order to protect the well-being of the City's e-mail infrastructure and ensure system availability and reliability for all e-mail users (e.g., maximum mailbox size, maximum message size)
- e) All E-mail messages and attachments are centrally archived and indexed automatically upon arrival to the Exchange Email Server.
- f) Any email remaining on the Exchange Server after a user has performed maintenance on their mail account will be removed after 180 days. For emails the user would like to keep electronically, older than 180 days, it is the user's responsibility to save these emails off of their email account and store them to a network folder (e.g.- G drive, I drive, etc.)
- g) City e-mail services shall be used in accordance with all applicable Federal and State laws, City ordinances, policies, rules and regulations, and Administrative Instructions, and may not be used as a vehicle to harass or intimidate. All users of City e-mail services are expected to conduct themselves in a professional and ethical manner.
- h) City e-mail services are provided to employees for the purposes of study, research, service, and other activities, which must be in the conduct of official business or in support of the City's mission, with the exception of occasional personal use. Personal use shall be kept at a minimum.

- i) Access to City e-mail services is granted to an individual by the City for that individual's sole use. Users are authorized to access, use, copy, modify or delete files and data on their own accounts. Users shall not perform any functions on another user's e-mail account. Users shall not allow someone else to use their account(s) and/or password(s). City e-mail users are responsible for their e-mail accounts and shall be held accountable if someone else uses their service with permission and violates this policy.
- j) Subscription to mailing lists, "listservs," or other mass mailings is authorized only when used to conduct official City business. Non-work-related subscriptions to mass mailings are prohibited. The City also reserves the right to unsubscribe any or all City e-mail addresses from said mailings.
- k) Access to City e-mail services shall be permanently revoked upon employee termination or retirement. The City shall not forward e-mail messages addressed to terminated or retired City employees except to other City e-mail addresses. The City shall not provide address verification, correction or forwarding to personal or non-City e-mail accounts or addresses under any circumstances.
- l) User privacy is not to be violated. It is the responsibility of the user to protect their privacy. Users shall not leave passwords where they can easily be found, share passwords with others, or leave confidential information on a screen where it could be viewed by an unauthorized person.
- m) All City email accounts (and all City digital media) are subject to Wisconsin Open Records Law. While a majority of City records fall under Wisconsin Open Records Law, users should not assume that any message contents or data are automatically subject to public inspection under the Wisconsin Open Records Law. There are exclusions to this law, and such message contents or data may not be forwarded, uploaded, or otherwise transmitted without appropriate approvals.

### Internet

*Scope-* This policy establishes appropriate use of City Internet access for City employees. The City of Whitewater provides employees access to the vast information resources of the Internet with the intention of increasing productivity. While Internet access has the potential to help you do your job faster/smarter, there is justifiable concern that it can also be misused. Such misuse can waste time and potentially violate laws, ordinances, or other City policies.

### *Policy-*

- a) City Internet access is provided to employees for the purposes of study, research, service and other activities, which, with the exception of occasional personal use, must be in the conduct of official business or in support of the City's mission. Personal use shall be kept at a minimum.
- b) Each City employee using the City's Internet access shall identify themselves honestly, accurately, and completely when corresponding or participating in online activities.
- c) Employees have no right of ownership or expectation of personal privacy as to their City Internet usage. The City reserves the right to inspect any and all network traffic internet usage. The City reserves the right, without notice, to limit or restrict any employee's Internet usage.
- d) Offensive content may not be accessed, displayed, archived, stored, distributed, edited, or recorded using City network, printing, or computing resources. Offensive content

includes, but is not limited to, pornography, sexual comments or images, profanity, racial slurs, gender-specific comments, or any content that can reasonably offend someone on the basis of sex, race, color, religion, national origin, age, sexual orientation, gender identity, mental or physical disability, veteran status or any protected status of an individual or that individual's relatives or associates. Any content that may be interpreted as libelous, defamatory or slanderous is prohibited.

- e) City Internet access shall not be used to conduct personal business, play computer games, gamble, run a business, conduct political campaigns, for personal gain, or to take part in any prohibited or illegal activity.
- f) No employee may use City Internet access to post a message to an Internet message board, chat room, weblog, listserv, social media site, or other Internet communication facility, except in the conduct of official business. The message must clearly identify the author as a City employee, by name, with the employee's official return City e-mail address or other contact information. Any opinions expressed must include a disclaimer stating that the opinions are those of the author and not necessarily those of the City of Whitewater.
- g) Any software or download via the Internet may be used only in ways that are consistent with their licenses or copyrights, and only after review and approval by the City's Chief Information Officer.
- h) No employee may use the City's Internet facilities to deliberately propagate any virus, worm, Trojan horse, trap-door, or back-door program code or knowingly disable or overload any computer system, network, or to circumvent any system intended to protect the privacy or security of another user.
- i) Internet access from the City's networks is "filtered" using a third-party product/service. Access shall be limited or blocked based upon categories or protocols defined by the vendor of the product/service and the Chief Information Officer.
- j) Employees requiring access to blocked or limited sites in order to conduct official City business only may request an exemption from a site restriction using their network credentials. All overrides shall be reported (and are recorded) to the Chief Information Officer for review.
- k) Connecting to third-party instant messaging services (e.g., AIM, ICQ, MSN Messenger, Yahoo, etc.), is prohibited.

### Hardware and Software

*Scope-* Expedite the procurement process for City standard IT equipment. Any standard IT commodity purchase must be approved by the Chief Information Officer. The City is working to reduce the total cost of ownership of City information technology assets.

### *Policy-*

- a) Department heads will work with their staff and the CIO to establish appropriate technology implementation and they will consult with the CIO to ensure the equipment is compatible with the City's existing infrastructure.
- b) The CIO will approve all IT purchases without exception to ensure compatibility with current IT resources. This process anchors City information technology procurement standards and also promotes cost savings for the City.

- c) Installation of hardware and software by persons other than the CIO without prior authorization is prohibited. Employees shall use only hardware and software provided or approved by the City. Any suspected misuse of software shall be reported to the CIO.
- d) All hardware and software inventories will be maintained by the CIO. If a user/department receives hardware or software directly, it will be given to the CIO immediately to be placed into inventory.

## Network

*Scope-* Applies to all devices connecting to networks owned and managed by the City of Whitewater. The City has made, and will continue to make, a significant investment implementing and information sharing infrastructure to meet the business needs of the City, the work requirements of employees, and the communication needs of the public.

*Policy-* The following policies are adopted to ensure the internal and external integrity and protection of the City's networks:

- a) No non-City owned or managed platforms (PDAs, PCs, laptops, handhelds or any other devices capable of attaching to the network) will be directly connected through any means to the City's internal networks, without prior approval by the Chief Information Officer.
- b) No remote connectivity or remote control software (e.g. PC Anywhere, GoToMyPC, etc.) will be used to connect to the City's network in any way unless approved in advance by the CIO.
- c) No wireless device will be connected to the City's internal network unless approved in advance by the CIO.
- d) All platforms approved by the CIO for connection to the City's internal networks will have the City's anti-virus and antimalware protection software.
- e) User names and passwords created by the CIO shall provide internal network access. The requirements for complexity and formatting of these credentials will follow Microsoft's best practice policy for strong authentications. Users are not permitted to place personal passwords on local settings (e.g. screensavers).
- f) All users shall log off of the network when they are away from their computer for any significant length of time and when they leave for the day. Per security policy, if the user's computer remains inactive for more than 15 minutes, the connection to the network will be locked. The user will have to unlock their workstation upon return to access the system. Users are responsible for properly safeguarding any administrative data such as logins and passwords, and are held accountable for any activity which occurs under their login name and password.
- g) Anti-virus and antimalware software shall be loaded on all servers and workstations, and all programs, files, external storage devices, downloads, etc. are actively scanned during usage. If a user finds that any virus, corruption or damage has occurred, or is being reported, contact the CIO immediately.
- h) All of the City's servers and information contained therein shall be stored via tape backup on a daily basis. Backup media shall be stored in a secure, locked location on City premises and is managed by the CIO. Additionally, the media should be stored off-site in a secure facility at a minimum once per week. Media no longer used or needed shall be

disposed of in the appropriate manner to ensure that data is not retrievable from the discarded media. Users are strongly encouraged to store data in the appropriate folders that are on the City servers so that it is not lost. Any data not stored in designated areas is not the responsibility of the City should it be lost or damaged.

- i) Electronic documents will be treated the same as paper documents with respect to City Ordinances (refer to City Municipal Code Chapter 15: Public Records Management) and Resolutions, Regulations, Administrative and Executive Instructions, and Schedules regarding document retention and disposition.

### Phone, Fax, Cellular Phone, Photocopy Machines & Other Equipment

*Scope-* This policy ensures City telecommunications resources are used appropriately. City telephone equipment, cellular telephones, fax machines, photocopy machines, and equipment as outlined below are provided for official City business use only. As such, absent a clear and convincing exception, all landline, cell phone and fax numbers paid for with taxpayer dollars are to be made available to the public on request. City employees are reminded that all messages, calls, files and user actions are subject to monitoring.

#### *Policy-*

- a) With the exception of occasional personal use, all use of City telecommunications equipment and services is for City business use only. Personal calls should be made during an employee's break or lunch hour, except for necessary work-related situations such as unanticipated overtime or family emergencies. Long distance personal calls should be charged to a personal credit card, 800 calling card, home number, or in the event a personal long distance call is made on City phones, the City shall be reimbursed.\*
- b) City fax machines and copiers are intended for business use. In the event that an employee uses this equipment for personal use, the employee shall reimburse the city for the actual cost of usage, and personal use shall be kept at a minimum.\*
- c) Directory assistance (411) calls should be kept to a minimum. Telephone directories are readily available throughout the City for outside numbers.
- d) City employees that require cellular telephones to perform their essential job functions will be enrolled in a "calling plan" considered to be appropriate for their City business needs. Employees that are issued a cellular phone will sign the City Cell Phone Usage Agreement, and will abide by the rules set forth in the agreement.
- e) Voice mail is for business purposes and all messages received are the property of the City. Messages should be deleted from the voice mail system as soon as possible. The City's voice mail system will automatically delete messages after 15 days.

**\* Note: The actual cost of usage will be available on the respective City bill and reimbursement for personal usage can be set up through the Finance Department. It is the employee's responsibility to disclose personal use.**

### Resource Usage

*Scope-* This policy applies to all data utilizing City IT Resources. The City has and reserves the right to monitor, review, audit, intercept, access and disclose all information created, received or sent on City IT resources. Information contained in the IT resources will only be disclosed to the

extent permitted by law, for business purposes, or as needed to enforce the policy. Authorized access to employee IT resources by other employees or outside individuals includes, but is not limited to, the following:

- a) Access by the CIO during the course of system maintenance or administration, investigation or network slowdown, system hardware or software problems including software license compliance, general system failure, litigation or potential litigation.
- b) Access approved by the employee, the employee's supervisor, or an officer of the City when there is a need to perform work or provide a service when the employee is not available.
- c) Access approved by the employee's supervisor, the City Manager, or an officer of the City when there is suspicion of a crime or violation of a policy.
- d) Access approved by the City Manager or the City Attorney in response to the City's receipt of a court order or request from law enforcement officials for disclosure of an employee's e-mail messages.
- e) Confidential and misinformation – the release of untrue, distorted, confidential information, or the use of aliases, regarding City business, is prohibited.
- f) Equipment, software, hardware or related peripherals are not to be removed from City premises without authorization from the CIO and appropriate Department head.

### ***Emergency Evacuation***

When employees are advised to evacuate the building in which they are working, they should –

- Stop all work immediately
- Contact outside emergency response agencies, if needed
- Shut off all electrical equipment and machines, if possible
- Walk to the nearest exit, including emergency exit doors
- Exit quickly but do not run
- Proceed, in an orderly fashion, to a parking lot near the building or other such safe location
- Do not re-enter the building until instructed to do so

### ***Employee Assistance Program***

The City of Whitewater recognizes that problems of a personal nature can have an adverse effect on an employee's job performance. It is also recognized that most personal problems can be dealt with successfully when identified early and referred to appropriate resources. The purpose of the Employee Assistance Program is to provide these services through special arrangements with City's contracted EAP provider. The program is designed to deal with the broad range of human problems such as alcohol and/or drugs, emotional/behavioral, family and marital, financial, legal and other personal problems. The program provides problem assessment and referral. If costs are incurred for services that are not covered by insurance or other benefits; that cost is the responsibility of the employee. The overall objective of the Employee Assistance Program is to maximize employee functioning in personal matters and maximize performance on the job.

- The program is available to regular full time and part time employees or their families on a referral basis since problems at home can affect the job. If employees or family

members have personal problems that may benefit from assistance, they are encouraged to use the program.

- This applies to all regular employees of the City regardless of job title or responsibilities.
- Participation in the program does not jeopardize an employee's job security, promotional opportunities, or reputation.
- All records and discussions of personal problems are handled in a confidential manner as are medical records. These records are kept by the City's contracted EAP provider and do not become a part of the employee's personal file.
- When performance problems are not covered with normal supervisory attention, employees are encouraged to seek assistance to determine if personal problems are causing unsatisfactory performance. If performance problems are corrected, no further action is taken. If performance problems persist, normal corrective procedures are followed.
- Sick leave is granted for treatment or rehabilitation on the same basis as granted for other health problems. Consideration is also given for the use of annual leave without pay if sick leave is not available.
- This does not alter or replace existing administrative policy or contractual agreements, but serves to assist in their utilization.

### ***Ethics Policy***

Because Whitewater believes strongly in good government, the City Council has passed an ordinance that provides that the business of the City and thus the conduct of its employees be ethical. This means that employees must be impartial and responsible to the citizens of Whitewater and decisions and policies are best made through the proper channels of open government. It means that public employees should not use their positions for personal gain. It means that Whitewater wants its citizens to have confidence in the integrity of its government. Whitewater has created an Ethics Committee that through due process handles complaints regarding ethics violations.

The following is a listing of guidelines that establish ethical standards for employees.

- Responsibility of Public Office - Employees are bound to uphold the law, to observe the highest standards of law in the exercise of the duties of their positions, and they should faithfully discharge their duties without bias, and they must put the public interest first at all times.
- Dedicated Service- Employees should be loyal to the objectives expressed by the voters and the programs developed to attain these objectives and employees shall adhere to the rules of work and performance established as the standard for their positions.
- Fair and Equal Treatment – No employee shall request or permit unauthorized use of City owned vehicles, equipment, materials or property for personal convenience or profit. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

- Conflict of Interest – No employee shall in the discharge of their duties be involved in any business or transaction directly or indirectly in which they have a financial or personal interest.
- Specific Conflicts Enumerated – No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- Disclosure of Confidential Information – No employee shall without proper authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall such information be used to advantage the financial or other private interests of the employee or others.
- Gifts and Favors – No employee shall accept any gift whether in the form of service, loan, thing, or promise, from any person which may tend to impair his/her independence of judgment or action in the performance of his/her duties or provide in the discharge of his/her duties any improper favor, service or thing of value. (Gifts received by an employee under unusual circumstances should be referred to the Ethics Committee within ten (10) days of receipt for recommended disposition.) EXCEPTION: Advertising or promotional items having a value of ten dollars (\$10.00) or less per gift shall be exempt.
- No employee may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonably be expected to influence the employee's official actions or judgments or be considered a reward for any action or inaction on the part of the employee.
- An employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was an employee.
- Representing Private Interest Before City Agencies or Courts - No employee shall appear on behalf of any private person (other than him or herself, his or her spouse, or minor children) before any City Agency, Board, Commission, or the Common Council if the employee or any Board, Commission, or Committee of which the employee is a member has any jurisdiction, discretion, or control over the matter which is the subject of such representation.
- Ad Hoc Committee Exception – No violation of this Section shall exist, however, where an individual serves on an ad hoc committee charged with the responsibility or addressing an issue or topic in which that individual or the employee or client of that individual, has an interest so long as the individual discloses to the ad hoc committee that such interest exists.

- Contracts with the City – No employee who in his/her official capacity participates in the making of a contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his/her part, shall enter into any contract with the City unless it falls within the confines of WI State Statutes or the following: The contract is awarded through a process of public notice and competitive bidding or the Common Council waives the requirement of this section after determining that this is the best interest of the City to do so. Or, the contract is for the designation of a public depository of public funds.
- Any employee who has a financial or personal interest in any proposed legislative action of the Common Council or any Board, Commission, or Committee upon which the employee has any influence or input or of which the employee is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Common Council or the appropriate Board, Commission or Committee the nature and extent of such interest.

## ***Expense Reimbursement***

### **Moving Expenses**

The City Manager and/or Common Council may authorize reimbursement of all or a portion of reasonable moving expenses associated with a non-represented exempt employee's compliance with residency requirements which may include the following: usual and customary household goods, moving insurance on household goods, usual hook-up on appliances and usual packing of household goods. The City may or may not pay for the following moving expenses: Relocation expenses (i.e. hotel, motel, rental car, meals consumed during the time of travel, etc.) Moving expenses may be provided only on the condition that the employee remains employed by the City for a minimum of two (2) continuous years. Failure of the employee to meet this condition may result in the repayment of the moving reimbursement in full to the City.

### **Travel Expenses**

Use of an employee's personal automobile in the course of City business shall be reimbursed at the I.R.S. approved rate per mile, in accordance with the City Ordinance and with prior approval of the department head

## ***Fire Prevention***

Employees should generally familiarize themselves with the location of fire extinguishers in their work area. They should assist in keeping the area around the fire extinguisher clear at all times so that it is easily accessible. In the case of fire, follow the emergency evacuation procedures noted above.

## ***Family and Medical Leave Policy***

### **Statement of Policy**

It is the policy of the City of Whitewater to comply with the requirements of the Wisconsin and Federal Family and Medical Leave Acts (FMLA). Generally, an eligible employee will be granted up to 12 weeks of FMLA leave during any calendar year period. The leave may be paid,

unpaid or a combination of paid and unpaid, depending on the reason for the leave and the benefits to which the employee may be eligible. This policy will be administered in compliance with the National Defense Authorization Acts of 2008 and Fiscal Year 2010 as they amend the Family and Medical Leave Act of 1993, and the new regulations implementing the Family and Medical Leave Act of 1993 effective January 16, 2009.

The state and federal laws differ in a number of areas, and the City will comply with both. When the reason for a leave qualifies under both state and federal law, the following rules apply:

- The employee is deemed to be exhausting his/her entitlement under both laws concurrently; and
- The provision(s) most generous to the employee will apply.

The taking of leave under this policy will not be used against an employee in any employment decision, including the determination of promotions, discipline, compensation, etc.

### Eligibility

To be eligible for leave under this policy, an employee must have been employed by the City for at least 12 months. In addition, in the 12 months immediately preceding the commencement of the leave, the employee must have worked at least:

- 1,000 hours to qualify under Wisconsin law; and
- 1,250 hours to qualify under federal law.

### Amount of Leave Available

As stated above, an eligible employee is generally eligible for up to a total of 12 weeks of protected leave within a calendar year for any combination of reasons. It is possible that an employee could qualify for leave only on the basis of hours worked under the Wisconsin law, which generally covers shorter periods of time than the 12 weeks provided by federal law. These situations will be discussed on a case-by-case basis with affected employees. It is also possible for an employee to qualify for more than 12 weeks of FMLA in one year, due to Wisconsin FMLA law allocating a certain number of weeks for each of the reasons for leave. These situations will also be discussed on a case-by-case basis with the affected employees.

### Types of Leave Covered

#### **A. Birth or Placement for Adoption or Foster Care**

Family leave will be available to eligible male and female employees for the birth of a child or for placement of a child with the employee for purposes of adoption or foster care. Such leave must generally be completed within 12 months of the birth or placement. Please note that Wisconsin FMLA law requires leave to commence within 16 weeks of birth or placement of the child.

#### **B. Serious Health Condition of Employee**

An eligible employee who experiences a serious health condition as defined by the state and/or federal law may take medical leave under this policy. A serious health condition will generally occur when the employee:

- Receives inpatient care in a hospital, hospice or nursing home;
- Suffers a period of incapacity of more than three consecutive full calendar days accompanied by continuing outpatient treatment/care by a health-care provider;
- Is pregnant, including severe morning sickness;
- Has a history of a chronic condition which may cause episodes of incapacity; or
- Has a permanent or long-term condition which requires continuing treatment by a health care provider.

Medical leave may be taken all at once or, when medically necessary, in smaller increments. The need for leave must be documented by the employee's treating health-care provider through the medical certification process.

An employee may be paid for all or part of a medical leave to the extent s/he is eligible for benefits such as short-term disability.

A fitness-for-duty statement will be required in order for an employee to return from a medical leave. Failure to provide the statement will result in a delay in the return to work.

### **C. Serious Health Condition of Immediate Family Member**

An eligible employee may take family leave under this policy in order to care for a son, daughter, spouse or parent with a serious health condition (see above section for general definition). (The Wisconsin FMLA also covers the serious health condition of an employee's parent-in-law, domestic partner (registered or unregistered) and domestic partner's parent.) This leave may be taken all at once or, when medically necessary, in smaller increments. It will be necessary for the family member's treating health-care provider to document the need for leave through the medical certification process. An employee may be required to provide certification of domestic partner relationship.

### **D. Qualifying Exigency for Military Family Leave**

An eligible employee may take family leave under this policy while the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty or call to active duty status for any qualifying exigency under federal law. This leave may be taken all at once or, in smaller increments. It will be necessary to submit a complete and sufficient certification for FMLA leave due to a qualifying exigency.

### **E. Leave to Care For a Covered Servicemember with a Serious Injury or Illness**

An eligible employee may take up to an additional 14 weeks (not to exceed 26 weeks total) of family leave in a single 12-month period under this policy to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by active duty) for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. A covered servicemember may also be a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at

any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. This entitlement will be applied on a per-covered-servicemember, per-injury basis. The covered servicemember must be the eligible employee's spouse, son, daughter, or parent, or next of kin. It will be necessary for the covered servicemember's treating health-care provider, as defined by law, to document the need for leave through the medical certification process.

### Notifying the City of the Need for Family or Medical Leave

Generally, an application for leave must be completed for all leave taken under this policy. When the need for leave is foreseeable, the employee should provide notice at least 30 days in advance. When this is not possible, notice should be provided as soon as the employee learns of the need for leave. In cases of emergency, verbal notice should be given as soon as possible (by the employee's representative if the employee is incapacitated), and the application form should be completed as soon as practicable. Failure to provide adequate notice may, in the case of foreseeable leave, result in a delay of the leave. Leave application forms are provided by the Human Resource Department.

Calling in "sick" does not qualify as FMLA leave. An employee must provide sufficient information regarding the reason for an absence for the City to know that protection may exist under this policy. Failure to provide this information as requested will result in the employee's forfeiting all rights under the policy. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

### Medical Certification of a Serious Health Condition

Generally, the City will require medical certification to verify that an employee or family member's illness meets the definition of serious health condition and to determine the nature and duration of the leave. In the case of a family illness, the provider must also verify that the employee is needed to care for the family member.

Periodic recertification to verify that a condition is ongoing may be required as provided by the law.

The appropriate form should be obtained from the Human Resource Department and should generally be returned within 15 days. Failure to provide this certification may result in delay or denial of the leave.

### Additional Certifications

If the City has reason to question the validity of a medical certification, an employee may be required to provide a second certification from a health-care provider selected and paid for by the City. If the second opinion differs from the first, a third opinion may be required. The health-care provider for the third opinion must be mutually chosen by the employee and the City and paid by the City. The third opinion, by law, is binding on all parties.

### Use of Paid and Unpaid Leave

Both state and federal FMLA mandate that an employer provide unpaid leave to eligible employees. However, an employee or employer may elect to substitute a paid benefit for which the employee is eligible in order for the employee to receive pay during the leave. The City

requires substitution of paid sick days and may also require substitution of vacation and comp time wherever permitted by law. When paid benefits are substituted for the otherwise unpaid time, the employee is using the benefits concurrently with FMLA leave, and those benefits will not be available to the employee later. When paid benefits are substituted, the employee may be required to satisfy any procedural requirements of the City's paid leave policy (for example, advance notice to use paid leave, use of paid leave in established increments, etc.).

In cases where substitution of a paid benefit is not possible, the employee will receive reduced compensation consistent with the number of hours the person actually works.

### Holiday Pay

If a holiday occurs while an employee is out on leave, the employee will receive pay for the holiday if the employee has substituted paid time off for the scheduled day before and after the holiday. If the employee is electing to take the leave as unpaid time, the employee will not receive holiday pay. In both cases the holiday will not entitle the employee to an extra day of leave.

### Intermittent or Reduced Schedule Leave

Intermittent and/or reduced schedule leave will be permitted when it is medically necessary and, in some cases, for birth or placement for adoption. In all cases, the total amount of leave taken in a calendar year should not exceed the 12 weeks defined earlier in this policy.

Intermittent and reduced schedule leave must be scheduled with minimal disruption to an employee's job. To the extent an employee has control, medical appointments and treatments related to a serious health condition should be scheduled outside of working hours or at such times that allow for a minimal amount of time away from work.

The City may, in some cases, transfer an employee to an alternative position, with equivalent pay and benefits, in order to better accommodate the need for intermittent or reduced schedule leave.

### Benefit Continuation During Leave

Employees may elect to continue group health insurance while on leave but must continue to pay their portion of the premium. Other employment benefits, such as group life insurance, income continuation insurance, etc., will also be continued during the leave, so long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

### Rights Upon Return From Leave

An employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist under other City policies.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff or other job change if the action would have occurred had the employee remained actively at work. In such cases, the official date of the layoff will mean the end of

FMLA leave for the employee. If the employee is recalled, if FMLA leave is still required, it may then continue.

### Worker's Compensation Absences

When an employee is absent due to a work-related illness or injury which meets the definition of a serious health condition, the absence will be counted against the employee's allotment of FMLA leave under federal law. In other words, the employee is using Federal FMLA leave concurrently with the worker's compensation absence.

### Early Return from Leave

An employee who wishes to return to work earlier than originally anticipated should provide at least two days notice of such request. A fitness-for-duty certification may be required.

### Further Information

For further information regarding this policy and/or your rights under both Federal and State FMLA, please see the Human Resources Department.

## ***Harassment in the Workplace Policy***

The City endorses the principle that all employees have the right to work in an environment free from verbal, physical or any other form of harassment. The City is committed to maintaining a workplace that is pleasant, courteous and free of harassment and is prepared to take all necessary steps to reasonably ensure a harassment free workplace.

Harassment of any employee on the basis of race, color, creed, sex, national origin, age, disability, marital status, sexual orientation or any other class protected by state or federal law, will not be tolerated and is prohibited in our workplace. This includes harassment by another employee, supervisor, customer, vendor, visitor, elected official or any other individual with whom the employee interacts as part of his or her job. This policy encompasses any situation in which an employee is serving in the capacity of a City employee or is otherwise representing the City, regardless of the location.

### Recognizing Harassment

Conduct that is prohibited by this policy includes sexual harassment, which is defined as: unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual based nature where:

1. submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment;
2. an employment decision is based on an individual's acceptance or rejection of such conduct; or
3. when such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Examples of conduct that could be considered sexual harassment are listed below. These examples are provided to illustrate the kind of conduct that is prohibited by this policy. This list

of examples is not exhaustive and other types of sexual conduct not illustrated may violate this policy as well.

- Intentional physical conduct that is sexual in nature, including rape, molestation, touching, pinching, grabbing, or brushing up against another's body.
- Sexually oriented gestures, noises, remarks, jokes or comments.
- Promises or preferential treatment to an employee in exchange for that employee's agreement to engage in sexual conduct.
- Taking adverse action against an employee based on the employee's refusal to engage in sexual conduct.
- Displaying or possession of pictures, cartoons, posters, calendars, graffiti, objects or any other materials of a sexual nature.
- Using e-mail, voicemail, fax machines or the Internet to display, transmit or communicate any material of a sexual nature.

Each employee must exercise his/her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include but are not limited to the following:

1. Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
3. Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
4. Other: making or threatening reprisals as a result of a negative response to harassment.

### Responsibilities

The City expects that all employees will cooperate in avoiding such harassment and are fully prepared to take appropriate measures against any employee who violates this policy.

### Complaint Reporting and Investigation Procedure

Individuals who feel they have been subjected to harassing or objectionable conduct must promptly notify their supervisor, Human Resources, or another appropriate member of management of the harassing conduct they experience, learn of, or witness. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No City employee (or elected official) is exempt from this policy.

When reporting a complaint, employees should be prepared to furnish accurate dates, names, and facts.

All such complaints will be promptly and thoroughly investigated. Under no circumstances will an investigation be conducted by the supervisor or other person accused of harassment. Prompt and reasonable corrective and preventive actions will be taken where necessary. The City will attempt to minimize disclosure to the extent possible consistent with its legal obligation.

All employees have the right to make good faith complaints about harassment and will be protected from retaliation under this policy including those who make a complaint, assist or cooperate in the investigation. Any retaliation should be promptly reported as stated above and will not be tolerated. Any employee who engages in retaliation will be subject to discipline, up to and including discharge. Retaliation against any employee complaining of harassment, or participating in a City investigation of harassment, is strictly forbidden.

As noted earlier in this section of the manual, any employee who, after investigation is found to have engaged in conduct that violates this policy will be subject to discipline, up to and including termination, depending on the circumstances.

The City is committed to vigorously enforcing this policy.

### ***Nepotism (Employment of Relatives)***

The City strives to insure fair and equal treatment of employees and applicants, while minimizing situations that may create the potential for favoritism or unnecessary hardship. In order to assure the reality and appearance of fairness in the best interest of the Public and the City it is the City's policy that relatives will not be placed in positions where:

1. One relative would have the authority to supervise, discipline or evaluate the performance of the other.
2. One relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

For the purpose of this policy relative includes spouse, domestic partner, child, child in-law, step-child, sibling, sibling-in-law, step-sibling, parent, parent in-law, step-parent, grandparent, grandchild, aunt, uncle, niece, and nephew. With regard to more distant relatives or any other similar situation that may be problematic to the City or Public best interest discretion will be used in the hiring and placement of such individuals.

### ***Political Activities***

Any employee of the City may not directly or indirectly use their authority or the influence of their position to control or modify the political action of another person. An employee of the City may not engage in political activity during working hours.

### ***Providing of Cards/Flowers for Employees***

Expenditures for the sending of flowers and cards to employees, retired employees, current and past board/committee/commission members and elected officials due to illness or special circumstances must be approved by the City Manager upon the request of Department Directors or Human Resources.

## ***Reporting Criminal Arrests, Charges, and Convictions***

Employees must report all criminal arrests, charges, and convictions to their Supervisor or the Human Resources Department prior to the start of the next business day. Failure to do such may result in disciplinary action up to and including discharge.

## ***Residency***

Employees of the City are encouraged to live within the City limits which promotes the understanding of local customs and habits. Employees appointed to any of the following listed positions will become City residents within six (6) months from the date of commencement of employment and for as long as they hold a position that requires residency as a condition of employment: City Manager, Community Development Director, Chief of Police, Public Works Director, Finance Director, Parks and Recreation Director, Neighborhood Services Manager, City Clerk, Library Director (subject to final approval of the Library Board of Trustees), City Attorney, Assistant to the City Manager, Community TV/Media Services Manager, Streets, Parks and Forestry Superintendent, Water Superintendent, Wastewater Superintendent, Chief Information Officer and City Treasurer.

All affected employees that do not meet this residency requirement as of the effective date of this policy amendment (February 2, 2010) are exempt from this condition of employment as long as they maintain their current position with the City.

The Common Council, at the recommendation of the City Manager, may exempt employees from this residency requirement based upon unique and compelling circumstances that may warrant such exemption.

## ***Smoking and Use of Tobacco***

For health and safety reasons, the City does not permit smoking or use of tobacco in any City-owned public facility or City-owned vehicle. Smoking or use of tobacco shall only be allowed in formally designated (and signed) areas in accordance with State Law.

## ***Solicitations and Distributions***

The City recognizes its responsibility to promote certain fund-raising campaigns conducted for the benefit of the general public. It also recognizes the right of the individual to voluntarily contribute to such campaigns according to his/her desire and financial ability and further recognizes the individual's right to be provided with working conditions free from the distractions which would result from frequent fund-raising appeals or other solicitations on City premises. Accordingly, general fund-raising campaigns on City premises are limited to the annual United Way campaign. Other organizations may conduct special or limited campaigns at the City Manager's discretion.

## ***Use of City Vehicles and Use of Personal Vehicles While on City Business***

Department Directors are responsible for requesting and maintaining motor vehicle/driver records from the Department of Motor Vehicles for all employees operating either a City owned vehicle or their privately owned non-commercial motor vehicle for business purposes.

Departments will maintain automobile records for City owned vehicles used for City business which includes the following:

- driver's license information for all employees who drive for the purpose of City business
- maintain all documentation for driver's incident and accident reporting

An employee must report to their Department Director and the Human Resources Office any revocation or suspension of their driving privileges before the start of the following business day. Failure to notify the Department Director and Human Resources Office may subject the employee to discipline.

Employees required to operate a motor vehicle in order to perform the duties of their position who are convicted of a violation resulting in suspension or revocation of their driving privileges may have the duties of their position reviewed at that time. If the suspension or revocation hinders the City in the accomplishment of the duties assigned to the position, the employee may be placed on unpaid leave of absence.

The employee would be expected to seek and obtain an "occupational license" which would give the employee the privilege of driving a motor vehicle during the hours and at locations specified in a petition filed with the court.

The City may terminate from employment any operator of a motor vehicle convicted of operating while under the influence of alcohol or other drugs committed while operating a motor vehicle owned by the City or while driving a privately owned vehicle while on City Business.

### ***Violence in the Workplace***

The City is committed to providing a safe work environment free from threats or acts of violence including acts of violence in the workplace perpetrated by non employees. The City will not tolerate threats or acts of violence in the workplace and will make every effort to prevent such incidents from occurring.

Guidelines to aid employees in addressing workplace violence –

- Department Directors and Supervisors should familiarize their employees with the policies of the City, including City work rules that may be applicable and may assist in handling a particular situation.
- Employees are expected to participate in and maintain as pleasant an environment for the public and other employees as possible.
- If at all possible, employees should take time to evaluate a situation before reacting. Do not ignore a situation you are concerned about. If an employee believes he/she is in danger of immediate bodily harm, the employee should attempt to leave the scene if this can be done safely. If possible, employees should contact the Police Department for assistance.
- Each employee is expected to conduct himself/herself in a courteous, respectful manner. Failure to do so may result in disciplinary action. When an employee is confronted with disruptive behavior, the employee should report the incident to a Supervisor. When

confronted with a confrontational or angry individual, the employee should explain their position in clear and firm language. The employee should stay calm and courteous. If an employee is becoming angry or upset, the employee should request assistance from their Supervisor.

- Be supportive of co-workers. When any staff member becomes involved in a difficult situation, other employees must report the incident to a Supervisor immediately. Quick action is especially important if the employee suspects that the situation may become violent.

## ***Weapons***

Whitewater prohibits all persons who enter City property from carrying a handgun, firearm, or other prohibited weapon of any kind. The only exception to this policy will be police officers, security guards, or other persons who have the legal authority to carry a weapon.

## ***Workplace Safety***

### **Blood borne Pathogens**

Blood borne pathogens are microorganisms that are present in blood, tissue, blood products, and other potential infectious materials. In accordance with the federal Office of Safety and Health Administration, all employees with occupational exposure will participate in an annual training program as well as at the time of initial assignment. Training will occur during working hours and the City will provide the training program.

The training must include the following elements: an accessible copy of the OSHA rule and regulations; overview of blood borne pathogens; explanation of the City's exposure plan; identification of high risk procedures and situations; information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment; explanation of the benefits, risks, and free availability of the hepatitis B vaccine; information about post-exposure protocol; explanation of the signs and labels and/or color coding used to identify hazards; and an opportunity for interactive questions and answers with the person conducting the training.

Vaccinations – Due to occupational exposure to blood or other potentially infectious materials, you may be at risk of acquiring hepatitis B virus (HBV) infection. Employees in this category will be given the opportunity to be vaccinated with hepatitis B vaccine at no charge to you.

### **Hazardous Materials Policy**

The City desires to develop and maintain a hazardous materials purchase-through disposal plan which meets federal and state regulations and which is safe, cost effective, and sustainable. The City desires to promote awareness concerning hazardous materials and to educate all levels of personnel, maintain an accurate management system and monitor policy effectiveness through random audits.

An inventory of all materials identified as hazardous must be developed and maintained by each department utilizing such materials. Substances are to be listed alphabetically by the label name

of the product. The name and address of the manufacturer of the product should be listed as well.

All employees responsible for purchasing materials may purchase non-hazardous alternative products to those identified as hazardous whenever possible.

All containers of hazardous materials must always be labeled. Manufacturers are required to ensure that every container of hazardous material is appropriately labeled with the identity of the material and appropriate hazard warnings. An employee of each department receiving purchased hazardous materials may verify that the label is on the shipping container and intact. The label must reflect the same identity as that listed on the hazardous materials list for that location and the material data safety sheets (MSDS). If material is subsequently transferred to another container, the new container must have the same labeling information. Labels must be prominently displayed and legible.

Each department must develop and maintain an MSDS library on every hazardous material on the list for that location. The MSDS must be complete, readable, and in English. The department may ensure that each location maintains the MSDS's for that location and that they are readily accessible to all employees during each work shift when they are in their work areas.

Any employee who works with or is potentially exposed to hazardous materials will receive initial training on the Hazardous Communication Standard and Right to Know. The Human Resources Office is responsible for the initial training of current and new employees. Individual departments are responsible for training employees on the specific hazardous materials utilized at their location. Each department supervisor may designate an individual(s) to be responsible for this location specific training.

Initial training includes ensuring that employees: are aware that they may be exposed to hazardous chemicals, know how to read and interpret labels and material safety data sheets, and know the appropriate protective measures established by the employer.

Department specific training includes: ensuring that employees of each department know what hazardous materials they may be exposed to in the course of their employment, where the MSDS library is kept and that it is readily accessible to them, where hazardous materials are stored in their location, the proper use of hazardous materials, what safety precautions must be taken when utilizing the materials, what the procedures are for accidental spill or leakage of hazardous material, and what the proper packaging, storage, and transportation for disposal of the material or containers for the materials is.

All Materials Safety Data Sheets must be kept by the Department for thirty (30) years after the use of the hazardous material has been discontinued.

The Human Resources Office may monitor the departmental practice of purchase through disposal (including training/education) of hazardous materials. This may be done by conducting random audits of department storage and MSDS maintenance to ensure compliance.

## Loss Prevention Program

The safety and health of each of our employees is of primary importance. Our loss prevention program includes:

- Training of all employees in safety and health requirements
- Promoting safety awareness and participation
- Development and follow-up on all safety and health rules for all employees
- Providing personal protective equipment and instructions on the appropriate use
- Providing mechanical and physical safeguards to insure maximum protection to all employees
- Conducting safety inspections and observation to improve present methods and standards as related to health and safety
- Performing accident investigations to seek and eliminate any unsafe conditions or acts which may cause recurrences

Employees are required to exercise due care during work to prevent injuries to themselves and others and to conserve materials. Each employee will: report all unsafe conditions to their Supervisor; keep work areas clean and orderly; report all accidents immediately; avoid engaging in any horseplay and avoid distracting others from their work; obey all safety rules and procedures; operate only equipment that they have been authorized to operate; use only prescribed equipment for the job and handle it properly; wear protective equipment when working in hazardous operation areas.

## City Safety Committee

This ad hoc committee will consist of the Human Resources Department and representatives of City Departments deemed essential to assure productive discussion of safety problems encountered City-wide or in high hazard area operations. Functions of the committee may include, but not be limited to, the following:

- Hold periodic meetings to review and evaluate the progress of the City's accident prevention efforts.
- Discuss safety problems and recommend solutions for their elimination and refer serious safety problems to the City's insurance carrier for recommendation.
- Coordinate a training program which will develop in all members of the organization a strong safety awareness and a clear cut understanding of specific requirements.
- Assist in accident investigation.
- Record and file minutes.

## Safety Equipment

The City promotes the safety of employees. The City has personal protective equipment available and/or issued to employees to provide a safe working environment. Common sense must be utilized to determine under which conditions different equipment should be worn. General City guidelines are as follows:

- Hard hats must be worn when overhead hazard is present.

- Proper eye protection must be worn when sledging, hammering, sawing on metal or concrete, chipping, welding, grinding, drilling, working in dusty places, handling hazardous materials or chemicals or any other operation where eye injuries may result.
- Approved hearing protection must be worn where high noise levels exist. If you must raise your voice to be heard, you need hearing protection.
- Shoes that are “work wise” and in serviceable condition for the operation to which the employee is assigned are required.
- Gloves must be worn when handling rough edge or abrasive materials when the work subjects hands to lacerations, puncturing or burns.
- Reflective traffic vests must be worn when performing work adjacent to or in traffic.
- Approved respirators must be worn when a hazard is present and may be used for no other purpose.
- Approved harnesses must be worn when a fall hazard is present and may be used for no other purpose.

In order for safety equipment to be effective it must be inspected periodically to assess its condition, it must be worn properly, and employees must comply with the orders and directions given to them by supervisors and management. Safety equipment is available (through a clothing allowance) or is issued to permanent City employees. Seasonal employees are responsible for appropriate footwear and clothing. Head, ear, and eye protection is available from the employees’ Supervisor.

### Prescription Safety Glasses

For employees that wear prescription eyeglasses, the City may reimburse 50% of the cost, up to \$150, for the purchase of prescription safety glasses. The City will provide this reimbursement for no more than one pair of prescription safety glasses per employee in any 2-year period. Safety glasses must meet safety standards for personal protective equipment in the employees’ respective department in order to be eligible for reimbursement. The City may require the employee to obtain an eye examination at the employee’s expense prior to granting the reimbursement. Eye examination costs will not be eligible for reimbursement.

### Vehicle Collision Control and Accident Prevention

The operation of motor vehicles is often necessary in conducting City business. The City works toward ensuring that the employees of the City who operate motor vehicles for their work, whether City or personally owned, operate vehicles in the safest manner possible both for their benefit and the City’s. In the event of an accident or incident, preventable or non-preventable, no matter what extent the damages or injuries, report the accident or incident immediately to your supervisor.

All employees hired to operate motor vehicles in the course of their employment must have an excellent driving record and substantial experience in the operation of the particular type of vehicle they may be required to drive for the City. An excellent driving record must be maintained throughout the time an employee works for the City.

Citations or arrests for violations received while operating City or personal vehicles while on City business, moving or otherwise, must be reported within twenty-four (24) hours to their

Supervisor who will in turn report the information to the Human Resources Department. The information will be placed in the employee's personnel file. Employees issued tickets may subject themselves to disciplinary procedure, up to and including termination.

All City vehicles must be inspected prior to use and all vehicles in need of repair must be reported to the supervisor immediately in writing.

### ***Workplace Safety Policies Specific to Departments***

The City has in place a variety of policies that affect the work of specific employee groups only. Employees shall be aware of workplace safety policies that are specific to their work and they shall receive regular training in regard to the implementation of these policies. Such policies shall be maintained and made available to employees and their respective departments.

	A	B	C	D	E	F
		Employee Manual	Employee Manual Page No.	Replaced by 2022 Policy Section:	2022 Policies Comparison Notes	
1						
2						
3		Vision Statement	P. 1	101.01	Matches Employee Manual	
4		Mission Statement	P. 1	101.01	Some additions were made in the Policy; particularly specifics about Values, Our Organization, and Each Other	
5						
6		Table of Contents	P. 2-5			
7						
8		Overview / Introduction	P. 6			
9		About the City	P. 6			
10		Purpose of Employee Manual	P. 6			
11		Organization Chart	NOT IN MANUAL	101.02	Policy actually refers to organization structure and establishes guidelines. Not truly addressed in employee manual	
12		Council Vision for Conduct of City Employees	P.6			
13		What WW Provides Its Employees	P. 7			
14						
15		Amendments to this Manual	P. 7			
16		Employment	P. 7			
17		Position Descriptions	P. 8	201.02	Empee manual version is substantially different than the newly proposed policy 201.02. although there does not seem to be anything controversial in the policy version.	
18		Recruitment & Selection Process	P. 8	202.01		
19						
20		Immigration Reform & Control Act 1986	P. 9	202.01	Matches	
21		Work Rules	P. 9			
22		*Business Hours	P. 9	301	Matches, but hours must be updated to reflect current hours	
23		*Attendance	P. 9	301		
24		Reporting Absences	P. 9	301	Quick review - some differences	
25		*Unusual or Undesirable Work Conditions, incl. inclement weather	P. 10	301	Policy title has changed. Info matches	
26		Equal Employment Opportunity & ADA Act Compliance	P. 11	202.02	Matches, although notice posting info was relocated to procedures section	
27						
28		EMPLOYEE DEVELOPMENT				
29		Introduction	P. 11			
30		New Employee Orientation	P. 11	203.02	Name seems to have been changed from orientation to onboarding. Information matches except a change in period of time HR required to meet with employee has been reduced.	
31		Training	P. 12	205.01	Combines orientation / onboarding and training. Information, except for period of time HR has to provide orientation, matches	
32		Performance Planning	P. 12			
33		Service Award Program	P. 12			
34						
35		COMPENSATION, BENEFITS, LEAVE & CLASSIFICATION	P. 12			
36		Compensation Philosophy	P. 12	401.01	Matches	
37		*Compensation Structure & Process	P. 12	401.01	Steps language removed. Some language changed in comp time section.	
38		*Pay Period and Hours	P. 12	401.01	Steps language removed. Some language changed in comp time section.	
39		*Overtime Pay	P. 13	401.01	Steps language removed. Some language changed in comp time section.	
40		*Compensatory Time Off	P. 13	401.01	Steps language removed. Some language changed in comp time section.	
41		*Call in Pay	P. 13	401.01	Steps language removed. Some language changed in comp time section.	
42		*Flex Time Off (Exempt)	P. 13	401.01	Steps language removed. Some language changed in comp time section.	
43		*Time Records	P. 14		Cannot locate in policies	
44						
45		BENEFITS		401.02		
46		Benefit Description	P. 14	401.02	Matches	
47		Deferred Compensation	P. 14	401.02	Matches	
48		Flexible Benefit Plan	P. 14	401.02	Matches	
49		Group Insurance	P. 14	401.02	Matches	
50		Retirement Plan	P. 15	401.02	Matches	
51		Holiday Pay	P. 15	401.02	Missing newly approved MLK Day; adds authority for Manager and/or city council to determine other holidays;	
52		Longevity Pay	P. 16	401.02	Matches	
53		Sick Pay	P. 16	401.02	Matches	
54		Vacation	P. 17	401.02	One minor change on page 6 of policy, defining vacation time for "regular full time employees". Otherwise, this matches	
55		Workers Compensation Ins.	P. 18	401.02	Matches	
56						
57		LEAVES	P. 18	401.03		
58		Funeral Leave	P. 18	401.03		
59		FMLA	P. 19	205	Substantially more language in policy than the one-sentence reference included in the Employee Manual	
60		Jury Duty	P. 19	401.03	Matches	
61		Military Leave	P. 19	401.03	Matches	
62		Sick Leave	P. 19	401.03	Matches	
63		Compulsory Leave	P. 19	401.03	Matches	
64		EMT-Firefighter Leave	P. 20	401.03	Matches	
65						

	A	B	C	D	E	F
1		Employee Manual	Employee Manual Page No.	Replaced by 2022 Policy Section:	2022 Policies Comparison Notes	
66		CLASSIFICATION	p. 20	In policy, language has changed in Regular part time employee; Limited term employee language changed; Minor change to language in title referring to temporary / seasonal employees.		
67		Regular Full Time	P. 20	In policy, language has changed in Regular part time employee; Limited term employee language changed; Minor change to language in title referring to temporary / seasonal employees.		
68		Regular Part Time	P. 20	In policy, language has changed in Regular part time employee; Limited term employee language changed; Minor change to language in title referring to temporary / seasonal employees.		
69		Limited Term Employee	P. 20	see listing above		
70		Temporary of Seasonal	P. 20	see listing above		
71						
72		PERFORMANCE EVALUATION AND PROFESSIONAL DEVELOPMENT	P. 20	206.02	Employee Manual refers to this section being added at a later date. Issue date on policy lists 2011. I believe this is incorrect. This substantial amount of language is not in the 2011 employee handbook.	
73						
74		DISCIPLINE	p. 20			
75		Standards	P. 20			
76		Unacceptable Conduct	P. 21			
77		Discipline Procedure	P. 22	302.02	Does not match employee manual	
78		Immediate or Crisis Suspension	P. 22			
79		Grievance Procedure	P. 22	302.03	Lengthy but appears to match	
80		Subject Disciplinary Actions	P. 22	302.03	Lengthy but appears to match	
81		Subject Terminations	P. 22	302.03	Lengthy but appears to match	
82		Workplace Safety	P. 23	302.03	Lengthy but appears to match	
83		Supervisor Notice	P. 23	302.03	Lengthy but appears to match	
84		Written Grievance Requirements	P. 23	302.03	Lengthy but appears to match	
85		Grievance Process	P. 23	302.03	Lengthy but appears to match	
86		Time Limits	P. 24	302.03	Lengthy but appears to match	
87						
88		PERSONNEL RECORDS AND ADMIN	P. 24	207.01	Matches	
89		Human Resources Office	P. 24	207.01	Matches	
90		Employee Personnel File	P. 24	207.01	Matches	
91		Wisconsin Open Records	P. 25	207.01	Matches	
92		Confidentiality & Privacy	P. 25	207.01	Matches	
93						
94		SEPARATION OF EMPLOYMENT	P. 25			
95		Separation Policy	P. 25	204.01	Matches	
96		Types of Separation	P. 25	204.01	Matches	
97		Administrative Guidelines	P. 26	204.01	Very minor change refers to ACH deposit vs. other form of deposit	
98		Insurance Continuation & Conversion Privileges	P. 26	204.01	Matches	
99		Conversion of Sick Leave at Separation	P. 27	204.01	Matches	
100		Conversion of Sick Leave at Retirement	P. 27	204.01	Matches	
101						
102		WORKPLACE POLICIES	P. 27			
103		Bonding Requirement	P. 27			
104		Direct Deposit	P. 27	401.05	There is a sentence added in the new policy indicating authority is to remain in full force and effect.....	
105		Dress Code & Personal Appearance	P. 28	302.04	There are some differences	
106		Drug Free Workplace	P. 28	208.08	Quick review noted some differences	
107		Drug Testing	P. 29	208.08	Quick review noted some differences	
108						
109		INFORMATION TECHNOLOGIES POLICIES	p. 30			
110		General	P. 30			
111		Administrative	P. 31			
112		E-Mail	P. 31			
113		Internet	P. 32			
114		Hardware & Software	P. 33			
115		Network	P. 34			
116		Phone, Fax, Cellular Phone, Copy Machines & Other Equipment	P. 35			
117		Resource Usage	P. 35			
118						
119		EMERGENCY EVACUATION	p. 36	208.03	Assume Emergency Procedures policy replaces Emergency Evacuation. Policy refers to Emergency Procedures Manual. Differences.	
120						
121		EMPLOYEE ASSISTANCE	p. 36	208.07	Minor language changes between employee handbook version and policy version	
122						
123		ETHICS POLICY	P. 37	302.01	Matches, but there are some additions, as it relates to political activities, criminal arrests, smoking, and solicitations and distributions.	
124						
125		EXPENSE REIMBURSEMENT	P. 39			
126		Moving Expenses	P. 39			
127		Travel Expenses	P. 39	501.01.15	Language substantially different than that in employee manual	
128						
129		FIRE PREVENTION	p. 39			
130						

	A	B	C	D	E	F
1		<b>Employee Manual</b>	<b>Employee Manual Page No.</b>	<b>Replaced by 2022 Policy Section:</b>	<b>2022 Policies Comparison Notes</b>	
131		FAMILY AND MEDICAL LEAVE POLICY	p. 39	205		
132		Statement of Policy	P. 39			
133		Eligibility	P. 40			
134		Amount of Leave Available	P. 40			
135		Types of Leave Covered	P. 40			
136		Notifying City of Need for Family or Medical Leave	P. 42			
137		Medical Certification of Serious Health Condition	P. 42			
138		Additional Certifications	P. 42			
139		Use of Paid and Unpaid Leave	P. 42			
140		Holiday Pay	P. 43			
141		Reduced Schedule Leave	P. 43			
142		Benefit Continuation During Leave	P. 43			
143		Rights Upon Return from Leave	P. 43			
144		Workers Comp Absences	P. 44			
145		Early Return from Leave	P. 44			
146		Further Information	P. 44			
147						
148		HARRASSMENT IN THE WORKPLACE	p. 44	208.05		Policy has been renamed since employee handbook. Info matches
149		Recognizing Harrassment	P. 44	208.05		Policy matches handbook
150		Responsibilities	P. 45			Included in employee handbook, but not policy
151		Complaint Reporting & Investigation Procedure	P. 45			Included in employee handbook, but not policy
152						
153		NEPOTISM	p. 46	304.01		Matches
154						
155		POLITICAL ACTIVITIES	p. 46			
156						
157		CARDS/FLOWERS FOR EMPLOYEES	p. 46	103.01		Matches with regard to flowers and cards. However, adds a service award program not noted in employee manual
158						
159		REPORTING ARRESTS, CHARGES AND CONVICTIONS	p. 47			
160		Residency	P. 47			
161		Smoking & Use of Tobacco	P. 47			
162		Solicitations & Distributions	P. 47			
163						
164		VEHICLE USE - CITY AND PERSONAL	p. 47	302.05		Matches
165						
166		VIOLENCE IN WORKPLACE	P. 48	208.09		Matches
167						
168		WEAPONS	P. 49	208.09		Matches
169						
170		WORKPLACE SAFETY	p. 49	208.04		Refers to Loss Prevention Program
171		Blood Borne Pathogens	P. 49	208.01		Although nothing of concern sticks out, this policy does not match what is in the Employee Manual
172		Hazardous Materials	P. 49	208.02		Lengthy. I spot checked. It appears to match
173		Loss Prevention Program	P. 51	208.04		Policy entitled Workplace Safety. Includes Loss Prevention Program. Loss Prevention program info seems to match
174		City Safety Committee	P. 51	208.04		Matches
175		Safety Equipment	P. 51	208.04		Matches
176		Prescription Safety Glasses	P. 52	208.04		Matches
177		Vehicle Collision Control & Accident Prevention	P. 52	208.04		Matches
178						
179		WORKPLACE SAFETY POLICIES SPECIFIC TO DEPARTMENTS	p. 53			
180						
181						
182		COUNCIL - EMPEE COMMUNICATIONS	n/a	Not included in manual	101.03	Majority of communications between council and city staff to go between City Manager and Council.
183						
184		REAL PROPERTY	N/A	Not included in employee manual	501.01.2	Non-personnel policy relating to real estate matters
185						
186		PROCUREMENT	n/a	Not included in employee manual	501.04.10	Non-Personnel - Procurement Policy
187						
188		PURCHASING CARD PROGRAM	N/A	Not included in employee manual	501.04.11	Non-personnel - Purchasing Card Policy
189						
190		INFORMATION TECHNOLOGY	n/a	Not included in employee manual	501.05.01	Policy is named Information Technology, but subsequent pages name it Information Technology & Social Media.
191						
192		CITY SPONSORED SOCIAL MEDIA	N/A	Not included in employee manual	501.05.02	I do not recall this going to Council, but could be my memory
193						
194		BOARD AND COMMISSION APPOINTMENTS	N/A	Not included in employee manual	601.01	

**Council Meeting: 12/15/2009:**

**APPROVAL OF EMPLOYEE MANUAL UPDATES.** A revised Employee Manual was presented for approval. The changes made are to reflect changes in federal and state employment law and current management practices. Prohibiting personal use of city property, nepotism policies, and the possibility of residency requirements were mentioned. It was moved by Olsen and seconded by Binnie to approve updated Employee Manual as presented. AYES: Olsen, Taylor, Winship, Binnie, Singer, Stewart. NOES: Kienbaum. ABSENT: None.

**Council Meeting: 2/2/2010:**

**ADOPTION OF AMENDMENT TO PERSONNEL MANUAL, RELATING TO EMPLOYEE RESIDENCY REQUIREMENT.** Councilmember Olsen had brought forth a request to require that employees holding certain positions within the City be required to live within the city limits. The proposal brought forth listed certain management positions that would be required to live in the City. The proposal allows those employees currently living out of the City limits the ability to continue to do so, even if they move from where they currently reside. The change would not affect any included position that currently exists. However, should an individual move to another position within the City, the residency requirement would be in effect. DPW Director Fischer stated that the residency-required positions in the proposal were not across the Board. He noted that Police Lieutenants were not included in the requirement. Fischer also stated that the pool of good applicants will be reduced if we require City residency. Police Chief Coan argued that the Lieutenant positions should not have residency requirements; that these positions are normally filled on an internal promotion basis, and that an outstanding applicant might be passed by because they are not willing to move into the City. Councilmember Taylor suggested that the Downtown Whitewater Director be added to the list. City Manager Brunner stated that the City does not supervise that position, and therefore cannot require residency. It was requested that the Community Development Director and Coordinator positions be added to the list where residency is required. Singer stated that the CDA is "selling" Whitewater and it would be advantageous if those employees lived here. City Manager Brunner agreed with Singer's proposal and indicated that the current employee has been working toward certification to become the CDA Director, and is aware that city residency would be required upon appointment to that position.

It was moved by Councilmember Olsen to approve the amendment to the Personnel Manual relating to employee residency requirement with the addition of Chief Information Officer to the list of employees that would be required to reside in the city. Seconded by Councilmember Winship. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart, Taylor. NOES: None. ABSENT: None.

It was moved by Councilmember Binnie to include all non-exempt staff in the amendment to require employee residency. Seconded by Councilmember Singer. AYES: Binnie, Singer, Kienbaum. NOES: Olsen, Taylor, Winship, Stewart. ABSENT: None. MOTION FAILS.

It was moved by Councilmember Binnie to add the CDA Coordinator to the list of employees that would be required to reside in the City. Seconded by Councilmember Singer. AYES: Olsen, Taylor, Winship, Binnie, Singer, Kienbaum. NOES: Stewart. ABSENT: None.

It was moved by Councilmember Binnie to drop the final sentence: "The Common Council may consider offering financial incentives to affected employees when implementing this policy." Seconded by Stewart. AYES: Olsen, Winship, Binnie, Singer, Kienbaum, Stewart, Taylor. NOES: None. ABSENT: None.

**Council Meeting: 5/4/2010:**

**AMENDING CHAPTER 2 ORDINANCE 2.70 PERSONNEL AND COMPENSATION RENAMING IT HUMAN RESOURCES AND COMPENSATION.** This is the second reading and was approved on the consent agenda.

**AN ORDINANCE AMENDING CHAPTER 2.70  
PERSONNEL AND COMPENSATION RENAMING IT  
HUMAN RESOURCES AND COMPENSATION**

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

**SECTION 1:** Whitewater Municipal Code Chapter 2.70 is hereby amended to read as follows:

**2.70.010** The City of Whitewater employee manual and any amendments or revisions thereof as periodically approved by the city council is hereby adopted herein and made a part of this ordinance.

Ordinance introduced by Councilmember Winship seconded by Councilmember Olsen who moved its adoption. AYES: Winship, Binnie, Stewart, Taylor, Kienbaum, Singer, Olsen. NOES: None. ABSENT: None. ADOPTED: May 4, 2010.

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

**Council Meeting 9/27/2011**  
**Grievance Procedure**

APPROVAL OF CITY OF WHITEWATER GRIEVANCE PROCEDURE. It is mandated by the State that each municipality adopt a grievance procedure by October 1st. Assistant to the City Manager Cameron

Clapper provided details of the procedure.

RESOLUTION ADOPTING A GRIEVANCE PROCEDURE  
AND ADDING IT TO THE CITY OF WHITEWATER  
EMPLOYEE MANUAL

WHEREAS, recent State of Wisconsin legislation requires cities to establish a grievance procedure for certain employees, and

WHEREAS, the City of Whitewater seeks to establish a grievance procedure, and

WHEREAS, it is in the City's best interest to add the grievance procedure to the City Employee Manual,

NOW, THEREFORE, BE IT RESOLVED that the below grievance procedure is adopted and shall become a part of the City of Whitewater's Employee Manual, and shall replace the current section

titled Employee Rights Related to the Discipline Procedure section of said Employee Manual.

GRIEVANCE PROCEDURE

Grievance Procedure. This **policy** is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This **policy** applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire

employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure. For purposes of this **policy**, the following definitions apply:

"Employee discipline" includes all levels of progressive discipline, but shall not include the following items:

- Placing an employee on paid administrative leave pending an internal investigation;
- Counseling, meetings or other pre-disciplinary action;
- Actions taken to address work performance, including use of a performance improvement plan or job targets;
- Demotion, transfer or change in job assignment; or
- Other personnel actions taken by the employer that are not a form of progressive discipline.

"Employee termination" shall include action taken by the employer to terminate an individual's employment for misconduct or performance reasons, but shall not include the following personnel actions:

- Voluntary quit;
- Layoff or failure to be recalled from layoff at the expiration of the recall period;
- Retirement;
- Job abandonment, "no-call, no-show", or other failure to report to work; or
- Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.

"Workplace safety" is defined as conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same.

Any written grievance filed under this **policy** must contain the following information:

The name and position of the employee filing it,

A statement of the issue involved,

A statement of the relief sought,

A detailed explanation of the facts supporting the grievance;

The date(s) the event(s) giving rise to the grievance took place,

The identity of the **policy**, procedure or rule that is being challenged;

The steps the employee has taken to review the matter, either orally or in writing, with the employee's supervisor; and

The employee's signature and the date.

Steps of the Grievance Procedure

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

Step 1 – Written Grievance Filed with the Department Head. The employee must prepare and file a written grievance with the Department Head within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The Department Head or his/her designee will investigate the facts giving rise to the grievance and

inform the employee of his/her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the Department Head, the employee may initially file the grievance with the City Manager, who shall conduct the Step 1 investigation.

Step 2 – Review by City Manager. If the grievance is not settled at Step 1, the employee may appeal the grievance to the City Manager within five (5) business days of the receipt of the decision of the department head at Step 1. The City Manager or his or her designee will review the matter and inform the employee of his or her decision, if possible within ten (10) business days of receipt of the grievance.

Step 3 – Impartial Hearing Officer. If the grievance is not settled at Step 2, the employee may request in writing, within five (5) business days following receipt of the City Manager's decision, a request for written review by an impartial hearing officer. The City shall select the impartial hearing officer. The hearing officer shall not be a City employee. In all cases, the grievant shall have the burden of proof to support the grievance. The impartial hearing officer will determine whether the City acted in an arbitrary and capricious manner. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

Step 4 – Review by the Governing Body If the grievance is not resolved after Step 3, the employee or the City Manager shall request within five (5) business days of receipt of the written

decision from the hearing officer a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the City Council. The City Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the hearing officer. The matter will be scheduled for the City Council’s next regular meeting. The City Council will inform the employee of its findings and decision in writing within ten (10) business days of the City Council meeting. The City Council shall decide the matter by majority vote of the voting members and this decision shall be final and binding.

An employee may not file a grievance outside of the time limits set forth above. If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.

If it is impossible to comply with the deadlines due to meeting notice requirements or meeting preparation, the grievance will be reviewed at the next possible meeting date. An employee will not be compensated for time spent in processing his/her grievance through the various steps of the grievance procedure.

Resolution introduced by Councilmember Olsen, who moved its adoption. Seconded by Councilmember Binnie. AYES: Olsen, Binnie, Singer, Kienbaum, Stewart. NOES: None.

ABSENT:

Butler, Winship. ADOPTED: September 27, 2011.

Kevin M. Brunner, City Manager

Michele R. Smith, City Clerk

### **Council Meeting: 12/20/2011:**

#### **Amendments to Personnel Policy**

#### APPROVAL OF AMENDMENTS TO CITY OF WHITEWATER PERSONNEL POLICY

**MANUAL.** Numerous amendments have been made to the City Personnel policy as a result of Governor Walkers’ actions relating to municipal **employee** benefits and Unions. It was moved by Olsen and seconded by Winship to approve the revised Whitewater personnel policy **manual** as presented by Human Resources Coordinator Clapper. AYES: Olsen, Abbott, Winship, Binnie, Singer, Stewart. NOES: None. ABSENT: Kienbaum.

### **Council Meeting. 2/7/2012:**

#### **Procurement Policy Discussion:**

CITY PROCUREMENT / PURCHASING **POLICY.** Councilmember noted that a number of years ago, there was a **policy** in effect indicating that if a local bid or quote was within 5% of the cost of

the lowest bid, that the Council could choose to buy local. He noted that the **policy** adopted in 2007 does not include this language. Olsen would like to see this language put back in the **policy**, especially in light of the “Buy Local” promotions. Councilmember Binnie stated he would be in support the proposal as long as it was not so definitive that the Council must always go with local. Winship is receptive to an amendment to the **policy** if it allows a local purchase, but does not lock the Council into making a local purchase. City Attorney McDonell will work with City Manager Brunner to bring a proposal back to Council.

#### Council Minutes 3/6/2012

##### Personnel Policy amendment as it relates to overtime pay and call in pay

AMENDING PERSONNEL **POLICY**. It was moved by Olsen and seconded by Winship to approve changes to the City of Whitewater Personnel **Policy** relating to overtime pay and call in pay.

AYES:

Stewart, Winship, Olsen, Binnie, Abbott, Kienbaum, Singer. NOES: None. ABSENT: None.

#### Council Minutes 3/20/12

##### Addition of Policy to Manual relating to cameras in locker rooms.

ADDITION TO PERSONNEL **POLICY** MANUAL RELATING TO CAMERAS IN LOCKER ROOMS. It was moved by Olsen and seconded by Binnie to approve the addition of the “Privacy in Locker Rooms” section

to the City Personnel Manual. AYES: Olsen, Abbott, Winship, Binnie, Singer, Kienbaum, Stewart. NOES: None. ABSENT: None.

#### Council Minutes 12/4/12

##### Councilmember Vacancy Policy

COUNCILMEMBER VACANCY **POLICY**. It was moved by Binnie and seconded by Winship to approve the **policy**, position description, and application as presented by Councilmember Binnie and City

Attorney McDonell, for the appointment of interim councilmembers. A correction was made to indicate a \$300 per month salary vs. the \$250 noted in the documents. AYES: Binnie, Kidd, Abbott, Singer, Winship, Olsen. NOES: None. ABSENT: None.

#### Council Minutes 3/19/13

##### Amend Personnel Manual to Remove Residency Requirements

AMENDING PERSONNEL MANUAL TO REMOVE REQUIREMENT THAT EMPLOYEES IN CERTAIN CITY POSITIONS LIVE WITHIN CITY LIMITS. Under the personnel **policy**, certain employee positions are required to reside within the City limits (CDA Director, Chief of Police, Public Works Director, Finance Director, Parks and Recreation Director, Neighborhood Services Director, City Clerk, City Attorney, Media Services Director, Streets, Parks and Forestry Superintendent, Water Superintendent, Wastewater Superintendent, Chief Information Officer and City Treasurer). It was moved by Olsen and seconded by Abbott to amend the manual to require Whitewater Unified School District residency for people in these positions (instead of City limit residency). AYES: Olsen, Abbott, Winship, Singer, Crone. NOES: Kidd. ABSENT: Binnie.

#### Council Minutes 4/16/2013 Procurement Card and Purchasing Policy

PROCUREMENT CARD AND PURCHASING **POLICY**. It was moved by Olsen and seconded by Abbott to approve the procurement card and purchasing **policy**. AYES: Olsen, Abbott, Winship, Binnie, Singer, Bregant, Kidd. NOES: None. ABSENT: None.

#### Council Minutes 11/6/2014 Social Media Policy Updates

DISCUSSION AND POSSIBLE ACTION OR DIRECTION REGARDING UPDATES TO THE SOCIAL MEDIA **POLICY**. City Manager Clapper and Media Services Manager, Alan Lockett, presented proposed changes to the current social media **policy** for the City of Whitewater. These changes would bring the **policy** up to date, and allow the possibility for on-line citizen comments in the future. Mr. Lockett noted the City's website will still be the main source of information. However individual departments would now be able to facilitate certain information individually to the public. Media content will continue to be overseen by the City's Chief Information Officer, Tim Nobling, and Media Services Manager, Alan Lockett. It was moved by Binnie and seconded by Bregant to approve the Social Media **Policy** as presented. Ayes: Singer, Bregant, Kidd, Frawley, Abbott, Winship and Binnie. Noes: None. ABSENT: None.

#### Council Meeting Minutes 11/15/2016 Snow and Ice Removal Policy

**SNOW AND ICE REMOVAL POLICY**. Chuck Nass, Streets, Parks and Forestry Superintendent, answered questions from council members regarding the snow and ice policy that has been in

effect since 2011. Specific questions included overtime for workers, removal of snow piles in the middle of downtown streets, and the overall balancing of fiscal responsibility with clear streets. Superintendent Nass noted after January 1, 2017, the City will have two loaders rather than one, which will help in case of breakdowns. No public comment occurred.

Council Meeting Minutes 2/22/2018  
Adoption of Investment Policy

**ADOPTION OF INVESTMENT POLICY.** It was moved by Allen and seconded by Schulgit to approve the Investment Policy as presented by the City Manager and Finance Director. AYES: Schulgit, McCormick, Grady, Singer, Allen. NOES: None. ABSENT: Binnie, Goettl

Council Minutes of 4/17/18  
Good Governance Policy

GOOD GOVERNANCE **POLICY.** Review of the proposed Good Governance **Policy** as presented by City Manager Clapper occurred. Small corrections / updates were recommended, and it was moved by Schulgit and seconded by Allen to approve the proposed Good Governance **policy** as presented, pending amendments as agreed to by the City Manager and Legal Counsel. AYES: Schulgit, McCormick, Grady, Binnie, Goettl, Singer, Allen. NOES: None. ABSENT: None.

Council Minutes 6/19/2018  
Policy Relating to Document Standards, Document Governance and Personnel Policy relating to Vacation Policy.

**POLICY** RELATING TO DOCUMENT STANDARDS, DOCUMENT GOVERNANCE, AND PERSONNEL **POLICY** RELATING TO VACATION **POLICY.** Presented for review was a document standard / document governance **policy.**

Also proposed was a vacation **policy.** Councilmembers expressed concern over the complexity of the document, and asked whether it could be simplified. Several councilmembers indicated a desire that Council be included in the process of approving **policies.** Input was given to city staff, and it was agreed to send the **policy** to the Finance Committee for input and recommendation.

Council Minutes 8/21/2018  
Financial Plan Capital Spending Assumptions

**FINANCIAL PLAN CAPITAL SPENDING ASSUMPTIONS.** City Manager Clapper indicated that the City's State shared revenues funding has remained steady over the last number of years, although the City's costs continue to rise. Clapper explained that the City can typically levy based on the growth of our community. He noted that the operational costs, maintenance costs, personnel, and projects require continued funding. In order to accommodate these needs, the city staff has had to come up with some creative ways to fund the needs. The City, along with Ehlers and the Finance Committee, has reviewed a long-term plan which will include a much greater conservative perspective with regard to funding. Although there is plenty of justification for additional borrowing, maintenance of the current debt levels has been suggested. When debt falls off, borrowing can occur in an amount not to exceed the total initial debt. Councilmember Binnie indicated there was an expectation that the City does not want to borrow every year. Finance Director Hatton indicated it was important for the Council to have input in priorities, particularly as the City moves forward. It was moved by Binnie and seconded by Allen to endorse the proposed policy (that the City NOT increase its debt load, but rather use the current debt level as the baseline figure, and complete future borrowings as debt is paid down, but based on not exceeding the original baseline figure). AYES: McCormick, Schulgit, Singer, Binnie, Vander Pas, Grady, Allen. NOES: None. ABSENT: None.

Council Minutes 12/17/2019  
City Manager Evaluation Policy

CITY MANAGER EVALUATION **POLICY**. Presented for approval was the proposed city manager evaluation **policy**. Although off-schedule for the 2019 evaluation, future process will be to provide the evaluation tool to the Council, Department directors, and direct reports for review and completion. The Council will review in January of each year. The evaluation forms are submitted to the city manager designee for compilation and distribution. The Council will meet in Closed Session with the City Manager at the end of each January for completion of his/her annual review. It was moved by Allen and seconded by Binnie to approve the City Manager Evaluation **policy**. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

Council Minutes of 6/16/2020  
In Support of Racial Justice

***Resolution in Support of Racial Justice***

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

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

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

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

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

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

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

**WHEREAS**, the City has demonstrated this intent by establishing an Equal Opportunities Commission, and by various actions of the Police Department, including: voluntary compliance with the extensive standards of the Wisconsin Law Enforcement Accreditation Group, being one of the first law enforcement agencies in the state to provide body cameras for officers, providing recent cultural sensitivity training sessions for officers, and participating in recent community forums with representatives from the Latinx community as well as the UW-W Black Student Union; and,

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

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

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

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

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

1. Reaffirms its commitment to equal and fair treatment and justice for all citizens and visitors, and states its strong opposition to systemic racism affecting people of color in this and every other community in the United States of America.
2. Encourages any individuals who believe that they have been mistreated or discriminated against in the course of any City services to file a complaint with the

appropriate Department Director, the City Manager, a Common Council member, or the Equal Opportunities Commission.

3. Requires that any complaints be fully investigated with any appropriate corrective action being taken and, to the extent allowed by our Human Resource policies, the results being communicated to the complainant.

4. Commits to opportunities for dialogue and discussion between all interested parties with Common Council members and City leadership regarding concerns and suggestions pertaining to equal justice and fair treatment in any policies and practices of the City. Although it is recognized that racial justice issues may arise primarily in the Police Department and the Municipal Court, we do not wish to exclude discussion of issues related to any City services.

5. Commits to thorough evaluation of concerns, suggestions, and recommendations received, with timely action steps that may include adoption or revision of policies and procedures, personnel education, and evaluation of outcomes, and transparency in these actions.

6. Commits to reforms and culture change.

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

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk

**ENSURING RACIAL JUSTICE THROUGHOUT CITY GOVERNMENT.** A lengthy and productive discussion ensued regarding promotion of racial justice in our government and our community. It was noted that the Resolution is merely a starting point. Councilmember Brienne Brown was instrumental in its development. Experiences were shared. Resident Wade Tillett indicated that there is hatred directed at people of color and there definitely is racism in Whitewater. He is pleased to see commitment to change and he celebrates diversity. Disappointment was expressed about those participating in peaceful marches having some negative experiences. It was noted that Resolutions and proclamations are great, but people watch action. City Manager Clapper acknowledged his accountability. He indicated that the Equal Opportunity Commission ordinance will be updated. He noted that people of color are underrepresented on the City staff. He will charge the committee with reviewing local policies. Diversity training will be made available for all employees, and it will occur regularly. Clapper indicated that his intent is to reach out to people of color in the community and invite

them to be involved in committees and commissions. Resident Kim Simes was encouraged and indicated that there is no way to underestimate the power of representation. Resident Wade Tillett indicated he has experienced intimidation in situations with the Police, the Schools, and some community members. He looks to change policies across the Board. Resident Meredith McFadden indicated that many policies are getting into the worst case scenario management. She suspects that more reach out may not have that much of an effect, but encouraged positive relationships with community residents. Councilmember Singer asked that the policies be available to the City as a whole and be open and visible. Singer encouraged crisis intervention training.

Council Minutes 7/21/2020  
Face Coverings during pandemic

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

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

- (a) Persons who fall into the Centers for Disease Control's guidance for those who should not wear face coverings due to a medical condition, mental health condition or developmental disability.
- (b) Persons who have a written note from a healthcare provider excusing mask use.
- (c) Persons who have upper-respiratory chronic conditions or other conditions or disabilities that make wearing a mask inappropriate. If a person states that they have a medical condition that prevents them from wearing a mask it shall be assumed that it is true without further verification.
- (d) Persons who are communicating with an individual who is deaf or hard of hearing and effective communication cannot be achieved through other means.
- (e) Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including, but not limited to, the receipt of dental services or medical treatments or consuming food or beverages.
- (f) Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.

- (g) Persons whose religious beliefs prevent them from wearing a face covering.
- (h) Private K through 12 schools that have a comprehensive safety plan in place.
- (i) Childcare or youth facilities that have a comprehensive safety plan in place.
- (j) In private residences and residential apartment buildings.

Council Minutes 9/7/2021  
Real Property Policy

REAL PROPERTY POLICY. Presented for adoption was the policy relating to real property acquisitions, sales, taxation, and retention by the City. This policy is the first in a series of numerous policies being prepared for Council adoption. It was moved by Smith and seconded by Brown to adopt the policy related to City purchase and sale of real property.  
AYES:

Schreiber, McCormick, Brown, Binnie, Majkrzak, Smith, Allen. NOES: None. ABSENT: None.



## Council Agenda Item

Meeting Date: February 23, 2023

Agenda Item: WE Energies Easement

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

### BACKGROUND

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

WE Energies is requesting a 12-foot wide easement at the Wastewater Facility to extend underground facilities to the site of Walworth County's communication tower. The easement would follow the north/south portion of the driveway serving the Wastewater Facility.

The attached easement includes a Temporary Exhibit A. The official Exhibit A will be prepared by a surveyor based on the exact location after the underground facilities are installed.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Council approved The Emergency Communications Radio System Site Improvement and Use Agreement in September 2022 which approved the location of the communication tower at the Wastewater Facility. The Public Works Committee recommended approval of the easement at their February 14, 2023 meeting.

### FINANCIAL IMPACT

(If none, state N/A)

There is no financial impact for the easement.

### STAFF RECOMMENDATION

Staff recommends approval of the easement with final signature contingent upon receiving the final Exhibit A from WE Energies.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Easement and Location

**DISTRIBUTION EASEMENT  
UNDERGROUND**

Document Number

WR NO. **4841372** IO NO. **5454**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the **CITY OF WHITEWATER**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land 12 feet in width of Grantor's premises being the Southwest 1/4 of the Northeast 1/4 of Section 33, Township 5 North, Range 15 East, in the City of Whitewater, County of Jefferson, State of Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM P277  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

292-0515-3313-000  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to the initial installation of said facilities or any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

# TEMPORARY EXHIBIT 'A'

**EMERGENCY AREA**

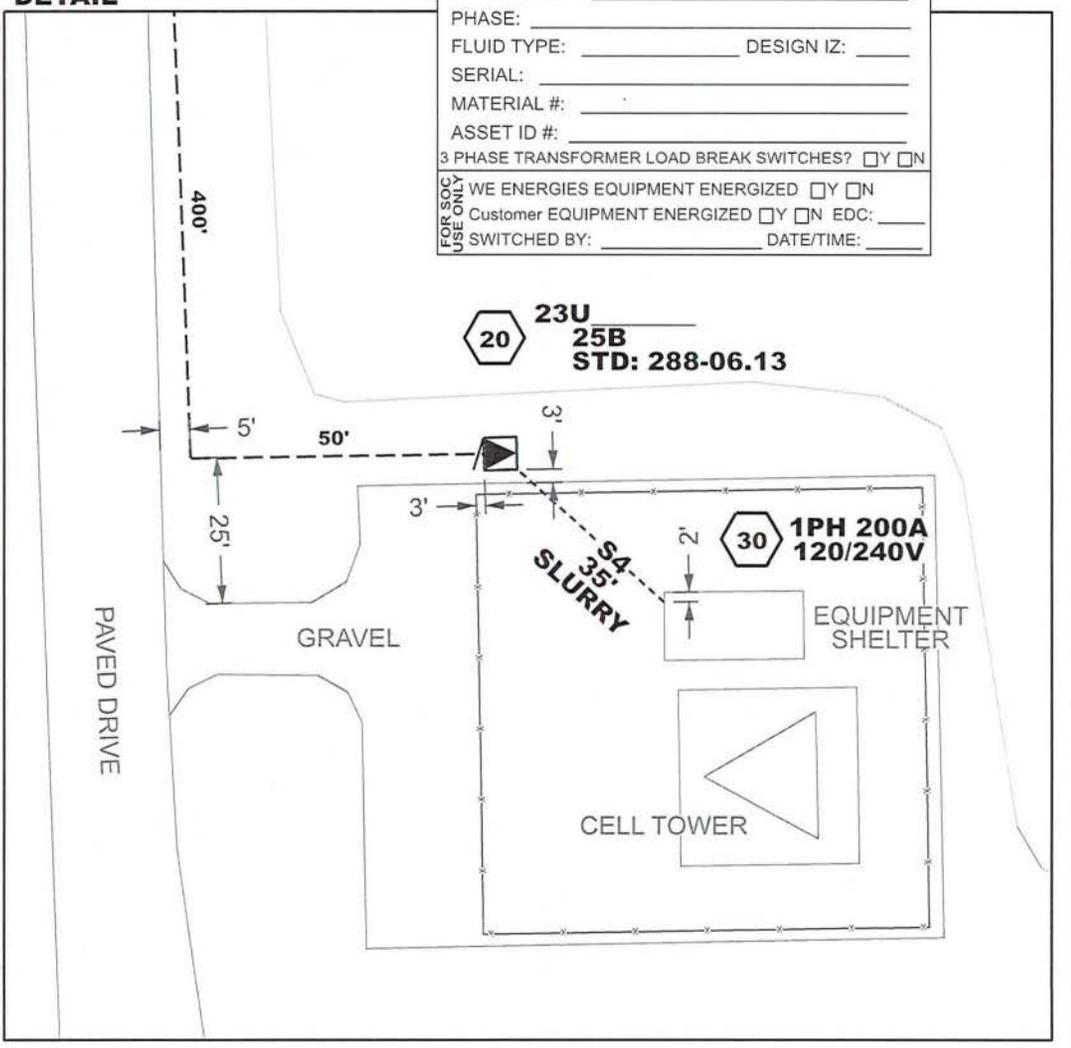
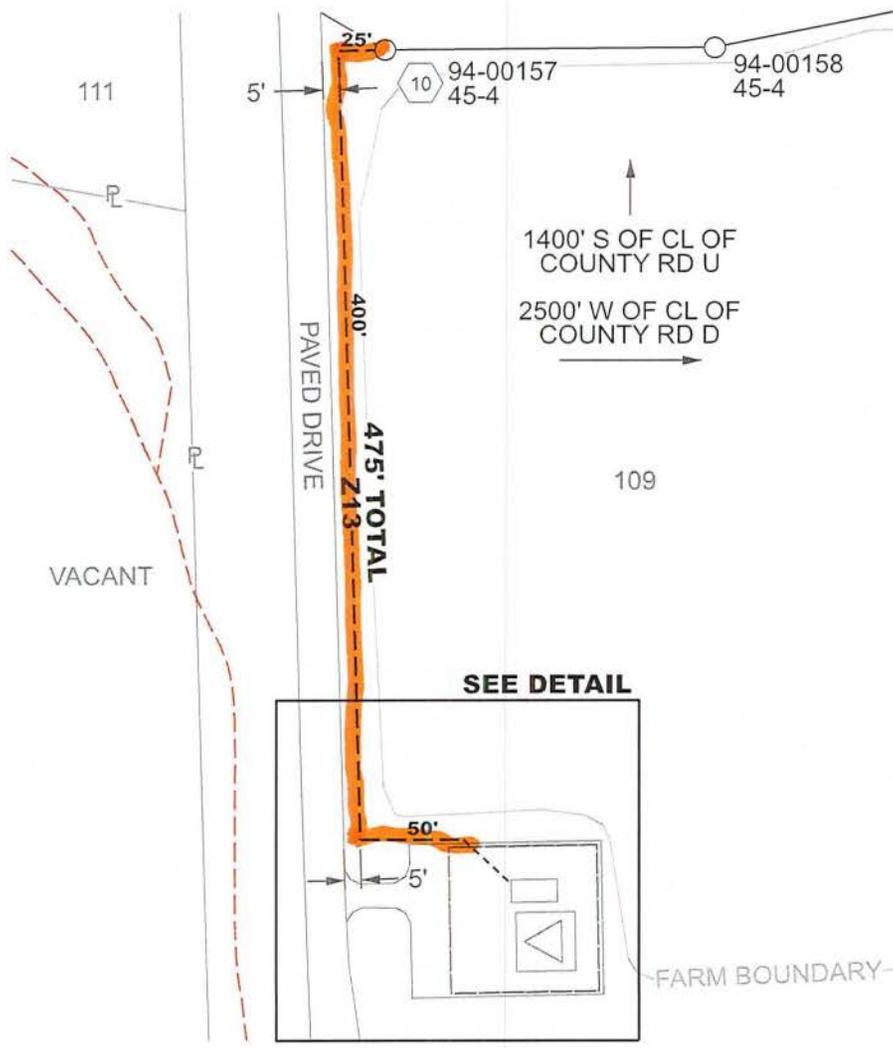
we ELEC WR FT 4841372  
GAS WR

2/1/2023



MANUFACTURER: \_\_\_\_\_  
 KVA: \_\_\_\_\_  
 VOLTAGE: \_\_\_\_\_  
 LOCATION ID: \_\_\_\_\_  
 PHASE: \_\_\_\_\_  
 FLUID TYPE: \_\_\_\_\_ DESIGN IZ: \_\_\_\_\_  
 SERIAL: \_\_\_\_\_  
 MATERIAL #: \_\_\_\_\_  
 ASSET ID #: \_\_\_\_\_  
 3 PHASE TRANSFORMER LOAD BREAK SWITCHES?  Y  N  
 WE ENERGIES EQUIPMENT ENERGIZED  Y  N  
 Customer EQUIPMENT ENERGIZED  Y  N EDC: \_\_\_\_\_  
 SWITCHED BY: \_\_\_\_\_ DATE/TIME: \_\_\_\_\_

## DETAIL



230/233

SHEET NO.  
02 OF 02

**Grantor: CITY OF WHITEWATER**

By: \_\_\_\_\_

JOHN WEIDL / CITY MANAGER

By: \_\_\_\_\_

MICHELE R. SMITH / CITY CLERK

Acknowledged before me in \_\_\_\_\_ County, State of Wisconsin, on \_\_\_\_\_, 2023,  
by JOHN WEIDL, the CITY MANAGER, and by MICHELE R. SMITH, the CITY CLERK of the CITY OF WHITEWATER,  
on behalf of the municipal corporation, by its authority.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

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

This instrument was drafted by Alex Vojvodich on behalf of Wisconsin Electric Power Company, PO Box 2046,  
Milwaukee, Wisconsin 53201-2046.

## City of Whitewater 2023 City Manager Plan

**Vision Statement:** Building upon our rich history, the City of Whitewater will continue to be a welcoming, safe, and dynamic community. We will embrace the cultural and educational opportunities that the presence of a thriving University and an increasingly diverse population offers.

We will seek to continually improve and make Whitewater strong by fostering public trust and confidence in our government. We will encourage a community characterized by a spirit of openness and fairness that encourages individuals to participate publicly and prosper personally. We will maintain a high quality of life through careful stewardship of all our many resources.

**Mission statement:** The City of Whitewater provides efficient and high-quality services which support, living, learning, playing, and working in an exceptional community.

### Focus areas:

- 1) Meet Various Staff, Departments, and Committees
  - a. Schedule tours with each department and leadership team
  - b. Attend at least once annually committee meetings for each City-led committee/board
  - c. Meet semi-annually with departments/staff to facilitate dialogue and share organizational information
- 2) Increased Communication and Teamwork – Strategic Planning
  - a. Facilitated Strategic Planning Workshops
  - b. Biennial Plan linked to Budget Document
- 3) Implement Referendum Strategy – Fire/EMS staffing
  - a. Management and staffing structure for 27/7 coverage
  - b. Onboarding, training, and management program for first 3-5 years
  - c. Hire FT Chief within 120 days
- 4) Re-Establish Economic Development Platform
  - a. Establish reporting and financial relationships between Economic Development Director, CDA, and Manager/City Council
  - b. Facilitate creation of Housing Policy and guidance for TIF Extension monies
  - c. Hire CDA Director by July, 2023
- 5) Develop Annual Training milestones for City Manager, staff, boards, and committees
  - a. All Staff: Sexual harassment, workplace misconduct, retaliation and active shooter, and others as determined by City Manager, HR Manager, Police Chief, and Cvmic
  - b. Boards and Committees: Robert’s Rules of Order, Open Meetings Law, Open Records Law, conflicts of interest as determined by City Clerk and Attorney
  - c. City Manager: 9-Course Leadership Training Module and additional training as determined by HR Manager and City Manager
    - i. Policy Development, Succession Planning, Retaining and Training, Leadership Challenge, Project Management, Negotiations for Leaders, Recruiting, Interviewing and Hiring, Performance Evaluations, Strategic Planning and Visioning
    - ii. Additional Training: Coaching and Feedback, Leadership: technical skills, soft skills, and people view, and Mentoring for Leaders
- 6) Establish a City-wide compensation and staffing structure that brings the City into alignment with its comparable Wisconsin communities and ability to pay

- a. Evaluate areas for consolidation through attrition, outsourcing, and other measures to reduce costs, where applicable
- b. Study and initiate multi-year plan to align staffing and compensation with comparable communities
- c. Establish written succession planning in applicable departments

**Strategic objectives:**

- 1) Increased productivity through clear, direct, and consistent communication.
- 2) Establish programs that create growth in the tax and employment base.
- 3) Ensure appropriate training and accountability for performance improvement.
- 4) Safeguard the taxpayer's investment in City services through transparent and forthright management practices.

**Projects:** Strategic Planning, Biennial Budget, Capital Improvement Plan, annual performance evaluations, WUSD and City of Whitewater WAFC agreement, recruitment of CDA Director.

**Current situation:** Think about which aspects of your business are doing great, and which aspects need improvement. Recognize what's holding you back from reaching your objectives.

**Future perspective:** Immediate concerns are the projected decrease in MPS payments, projected to result in a loss of \$250,000+/- annually to the general fund and the negative impact of higher interest rates on the City's ability to borrow (e.g. if we borrow \$1M per year and \$250K is interest payments, we spend \$750K on capital. Now interest is more like \$350K, which results in \$650K to spend, or less effective purchasing power. Numbers are illustrative).

Medium term, the City and WUSD need to come to an agreement regarding the WAFC and its operations and funding. Also, the City needs a strategy and direction for creating sustainable increases in tax base and employment using existing resources, namely affordable housing monies and City-owned parcels that are backed by live tax increment financing districts.

Long-term, staff and I need clear direction from the City Council regarding how to manage constrained budgets and inflating costs. There is a high likelihood that the organization will need to reduce its total number of employees within the next 24 to 48 months if serious steps are not taken to shore up declining revenues and/or consider other revenue generating options. Also long term, the City has large capital needs for DPW, and large repairs for buildings at City Hall, WAFC, and other City-owned buildings across the City.

**We have plenty of time. We need to be proactive and collaborative. By the end of year one, we will have a strategic plan, an economic development platform, and a biennial budget that ensures we have a financial plan moving forward.**