

City of  
**WHITEWATER**

**COMMON COUNCIL AGENDA**

Common Council Meeting

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

**Tuesday, March 7, 2023 - 6:30 p.m.**

**This will be an in person AND a virtual meeting.**

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

**Citizen participation is welcome during topic discussion periods.**

**You are invited to a Zoom webinar.**

**When: Mar 7, 2023 06:30 PM Central Time (US and Canada)**

**Topic: Common Council Meeting**

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

**<https://us06web.zoom.us/j/86463278029?pwd=TjN0SXJkOHV2cGF6UktjSGp4MFFyZz09>**

**Passcode: 734324**

**Or Telephone:**

**US: +1 929 205 6099**

**Webinar ID: 864 6327 8029**

**Passcode: 734324**

**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 2/23/23.	P. 1
CA-B	Acknowledgment of Receipt and Filing of: *CDA Minutes of January 19, 2023.	P. 9
CA-C	Expedited Approval of the Following Items, per City Staff Recommendation: O-1	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:**

**First Reading: None.**

**Second Reading:**

*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. (Council request).	P. 12
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**ORDINANCES: Second Reading: None.**

**CONSIDERATIONS:**

C-1	Discussion regarding Telecommuting Policy (Remote Work Policy) and possible direction regarding the same. (City Manager Request).	P. 21
C-2	Request for input regarding renewal of POLCO community surveying service. (City Manager Request).	P. 37
C-3	Councilmember Requests for Future Agenda Items and/or POLCO questions.	n/a
C-4	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 23, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by Council President Lisa Dawsey Smith. MEMBERS PRESENT: McCormick, Allen, Smith, Majkrzak, Brown. MEMBERS ABSENT: Gerber, Schreiber. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Allen and seconded by Brown to approve the Council Minutes of 2/7/23, and to acknowledge receipt and filing of the following: Library Board Minutes of 1/18/23; Plan and Architectural Review Commission Minutes of 1/9/23; and Public Works Committee Minutes of 1/10/23. AYES: McCormick, Smith, Allen, Majkrzak, Brown. NOES: None. ABSENT: Gerber, Schreiber.

**CITY MANAGER REPORT:** City Manager John Weidl highlighted the Primary Election; Public Works projects; Fire/EMS hiring and training; Library programs; Aquatic and Fitness Center updates, and Police Department updates.

**STAFF REPORTS.** None.

**HEARING CITIZEN COMMENTS.** Laurence Kachel, 457 S Buckingham Blvd, thanked the Clerk's office for their work on the Spring Primary election. Ryan Rouse, N7276 Krahn Dr, indicated that he runs a business at 1260 W Main St.. Rouse thanked City Manager Weidl for the information distributed relating to the City's acquisition of property at the corner of Jefferson and Main Streets. Rouse stated that this kind of transparent communication is encouraging. He noted that the community is being heard and action is being taken. Rouse wants to see the Council focus on a plan for the City's prosperity. Michael Smith, 327 E Clay St. #29, inquired about the Grocery Coop project's being able to make a profit.

**FIRST READING OF AN ORDINANCE AMENDING CHAPTER 11.45 OF THE MUNICIPAL CODE TO ALLOW FOR 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).** Councilmember Majkrzak stated that the wording of the ordinance has been updated to include Walworth County, leaving the boundaries of the University the same. There is also language regarding 35 miles per hour, which shouldn't impact anything in the City. Majkrzak said that there have been questions regarding insurance and driver's license requirements. These have been included in the ordinance even though they are not covered in the State Statutes. Majkrzak asked Attorney McDonell if the City is bound by statutes in regard to fines, or if the City has the liberty to modify them. Attorney McDonell said that the City adopted penalties at the time of the original ordinance. The fines are set at \$100 plus cost. McDonell continued that the Council does have the discretion to change this. The fine could be increased up to \$200 plus cost, or lowered.

Councilmember McCormick stated that Jefferson County re-evaluated their ordinance after a year and wondered if that was something the Council should do with this ordinance. Majkrzak stated that the original ordinance required a one-year review, with an intent to either revoke it or expand it. Majkrzak said that Council always has the discretion to bring the ordinance back if there is an issue, and he doesn't think that requirement needs to be in the ordinance.

Councilmember Smith read into the record statements from Councilmember Gerber, who was not able to attend. Gerber has concerns about education of the Whitewater community as a whole, as to information included in State Statutes 62.11 and 23.33. If this ordinance is approved, she would like to see efforts made to educate the public regarding non-use of ATVs in cemeteries, burial grounds, parks and walkways in parks, as well as helmet use, and owners' responsibility for ensuring that those who should not be driving vehicles are not driving ATVs. Gerber would also like to see more uniform requirements across communities. She had a question about wording in Statute 64.10 about accident reports being confidential. Attorney McDonell said that this is not normal wording as it is a special provision. Gerber was concerned that an operator not being able to get a copy of an incident report could be problematic.

Resident Neil Hicks, 1254 Tower Hill Pass, said that this is a good thing for the City. He stated that there are common laws across municipalities, through the DNR laws. Hicks suggested that a map of allowable roads be placed on the City website and on social media. He stated that during the summer months, he would like to see Starin Road be an allowable route. He asked that this be considered as an addition to the ordinance.

Public Works Director Marquardt stated that Starin Road is a City road that runs through the campus, and asked Attorney McDonell's opinion of allowing it to be in the route at all times. McDonell said that his quick opinion is that it would be usable, but he would double check and report back to the Council. Majkrzak responded that he thought being able to use Starin Road would be great. Majkrzak moved to approve the amended ordinance as written. Brown seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

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

John S. Weidl, City Manager

Michele R. Smith, City Clerk

**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.**

Attorney McDonell stated that this item is in regard to one available “Class B” license. There were three applicants for this license, but one dropped out. An Alcohol Licensing Committee hearing took place and formal findings were made. There is one technical issue, which is that Whitewater Petroleum Company does not have a conditional use permit that would allow serving alcohol. McDonell stated that the Council could grant a license to one of the applicants, or not grant the license to either applicant. Councilmember Smith moved to postpone this item until the Plan and Architectural Review Commission has had the opportunity to review the conditional use permit request made by Whitewater Petroleum Company. Allen seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**WATER RATE INCREASE IMPLEMENTATION, AND IMPLEMENTATION START DATE.**

Finance Director Hatton stated that at the last Council meeting he had reported that the public hearing regarding the water rate case had taken place. The Public Service Commission (“PSC”) issued their ruling on February 15. The rate order allows up to 90 days for implementation. Typically, this is done at the end of a billing period and the last billing period end date to fall within the 90-day window would be April 28. Hatton is suggesting implementing the rate increase on April 28. Hatton said that this started from a rate study done in 2017 that showed vulnerability of two water tanks that were over 100 years old. The City moved forward and replaced the southwest water tank. The increase to rates is 30%. Hatton indicated that the PSC has changed the rate increase of the simplified rate case from 3.3% to 8% annually. **Majkrzak moved to implement the rate increase effective April 28, 2023. Brown seconded the motion.** McCormick asked when the residents would see the change. Hatton said that they would see the increase on the May bill. Smith asked that the information be made public, as to when it is happening and what it looks like, to help residents with budgeting. She also asked that if there are resources for low income residents that support water utilities. She requested that that information be shared with the public. Resident Jeff Knight, 405 Panther Court, asked Hatton whether he had updated the comparison information and if so, could that be provided? Hatton said he hadn’t updated it yet, but would give Knight a copy when it was done. Hatton stated that Ehlers had helped with the rate case and as part of that, they will produce an updated cash flow forecast and what the future path of rates looks like. They will present it to the Council if desired. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**REPORT ON STARIN PARK WATER TOWER STRUCTURAL ANALYSIS.**

Public Works Director, Brad Marquardt, said that the Council had authorized a structural report to be completed on the Starin Park water tower. The report was completed in early January 2023, and was presented to the Public Works Committee at their January meeting. Marquardt stated that the report has not been presented to Council until now, because he wanted to have the approved Public Works Committee minutes as part of the packet materials.

Marquardt reported that the water tower is in generally good condition, but has some areas that are “less than fair” listed in the report. Marquardt has contacted the Public Service Commission to see whether Water Utility money could be used to fund any of this project. Marquardt was told that water funds could be used *up to the cost of demolition*, which is estimated to be around \$600,000. The cost to complete the recommended maintenance is \$950,000-\$1,100,000, assuming all of the work is done in one construction season.

Marquardt stated that there was no money budgeted for this project for 2023, so the earliest it could be done is 2024. The report also broke down the project into three phases, with a total cost of all phases at \$1,500,000. Marquardt said that the report has also been presented to the Landmarks Commission. Marquardt requested some direction from the Council as to what they would like to do with this information.

Councilmember McCormick said that she has been receiving emails about the tower. She noted that the question has been put out through the City's surveying vendor, but there was limited response. She would like to see an advisory referendum question placed on the April ballot. City Clerk Smith indicated that based on ballot certification requirements, it was too late to place it on the April, 2023 ballot.

Councilmember Smith stated that the two absent councilmembers had emailed comments regarding this matter, and Attorney McDonell said that those comments could be read into the record. Councilmember Gerber had written that she has looked extensively at other water towers in the state, and fundraising has been done for all those that have been preserved. Gerber would like to see local quotes for demolition, if the Council decides to demolish. She would like the matter go back to the Finance Committee to look at the implications to the Capital Improvement Plan.

Councilmember Schreiber emailed that he is not opposed to the idea of keeping the water tower, and would like to look at ways to possibly make it a tourist attraction. He feels that the benefit of keeping it outweighs the cost to maintain it, but thinks that is a matter for future discussion. Schreiber is also not opposed to an outside entity taking the water tower over, if that is an option.

City Manager Weidl asked if there is a timeline to make a decision. Marquardt said that the tower is in a safe condition right now. The concern would be for the potential of rocks to fall off the façade, but the fence around the tower should prevent anyone from getting that close to the tower. Weidl stated that some may look at the potential \$600,000 that could be funded through the water utility as a jumpstart to make the repairs. Weidl asked if the Water Utility would need to take on debt for the \$600,000. Finance Director, Steve Hatton, stated that the Water Utility does not have that amount in cash on hand, so financing options would need to be reviewed.

City Manager Weidl said that he would like some time for staff to be able to use the \$600,000 as a tool for how to start the process of ensuring preservation. Councilmember Allen said that the Public Works Committee talked, and there is time to wait until the City has funds to do something with it. Allen stated that right now, the City just has funds to maintain services. It would also give Landmarks or whoever wants to take on the project to do some fundraising. Allen indicated that he has spoken to local developers who could take down the water tower for less than \$600,000.

Resident Neil Hicks, 1254 Tower Hill Pass, would like the matter to go on the November ballot and thinks that some organization would take it over. Since it is one of the oldest water towers in the state, he asked whether the City verified that with the antenna on top, all regulations have been followed.

City Manager Weidl asked if there is an election in November this year. City Clerk Smith stated that there is not one scheduled. Councilmember Majkrzak said that it would be nice to keep the water tower, but after listening to the public comment about the money spent on the Lakes project, which Majkrzak believes contributes more to the community than the water tower, he agrees that placing this matter on the ballot as a referendum question is a good idea. Majkrzak added that if the water tower is kept, ongoing maintenance will need to be budgeted for.

Councilmember Brown asked if the \$600,000 would be able to be used as matching funds, if a matching grant could be found. Weidl said that the staff would need to look into that.

Councilmember Smith made a motion that this matter be taken to the Finance Committee to look further into the financial impact to the Water Utility and the taxpayers. Allen seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber. In response to Councilmember Allen's question about the antenna on the tower, DPW Director Marquardt said that he thought it was for the SCADA system, but that he would need to check for sure.

**DONATION OF FUNDS TO THE 2023 DISCOVER WHITEWATER SERIES RACE.** Allen moved approval of donation of \$6,000 to the 2023 Discover Whitewater Series Race. It was noted that the contribution was not budgeted for, and if approved, would be funded through the unassigned fund balance. Brown seconded motion AYES: Majkrzak, Allen, McCormick, Brown, Smith. NOES: None. ABSENT: Gerber, Schreiber.

**TELECOMMUTING POLICY (REMOTE WORK POLICY).** Councilmember Smith stated that she had asked the City Attorney to add his insights into the motion that was approved at the last meeting, as it relates to a telecommuting policy. She inquired on the ability to draft a policy or whether the matter was more of a stopgap measure. City Manager Weidl said that he has drafted a policy based on the language of the motion, and provided to the City Attorney, who made some internal changes to the language. Weidl reported that he reached out to CVMIC, the City's insurance carrier, and asked them to provide a sample of what they provide to their clients when they are asked. Weidl indicated he has also reached out to other communities, and has supplied that information in the council packet as well. Councilmember Allen moved that this item be postponed until there is a full Council present. McCormick seconded the motion. Brown said she thinks the City Manager should be able to offer flexibility to the employees, so she is in favor of bringing it back when there is a full Council. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**DISCUSSION REGARDING EMPLOYEE HANDBOOK APPROVED IN 2011, AND REQUEST FOR DIRECTION REGARDING THE HANDBOOK.** City Manager Weidl stated that he reached out to CVMIC, the City's insurance carrier, and they expressed concern that there would be more liability in **not** having an employee handbook than in **having** an employee handbook. CVMIC informed Weidl that most of their clients have an employee handbook.

Weidl indicated that if the Council wants to keep an employee handbook, he would like to ensure that the handbook is compliant. He would like to create a group, either subcommittee or possibly Finance Committee, go through the manual in its entirety and update what is needed.

Councilmember Smith moved to direct staff to create a timeline to untangle the discrepancies between the employee handbook and other existing policies, as well as to bring back to the Council the insight from CVMIC as to whether or not specifically the ordinance mentioning an employee handbook creates a liability position for the City. Smith continued her motion by stating pending the hiring of a Human Resources Manager, Smith would ask that there also be a review by the Finance Committee, as well as a timeline and a framework for full review of policies as they exist. Majkrzak seconded the motion.

City Manager Weidl asked for the specific items that Smith desired. Smith stated a review by CVMIC specifically of the ordinance, a timeline to untangle the discrepancies between the handbook and other policies, and create framework through the Finance Committee for ongoing review of policies. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**EASEMENT TO WE ENERGIES FOR INSTALLATION OF UNDERGROUND ELECTRICAL FACILITIES AT THE WASTEWATER TREATMENT FACILITY.** Allen moved to approve issuance of a twelve-foot underground easement through the Wastewater Treatment Plant facility. The easement would follow the north/south portion of the driveway serving the facility. The easement request

is based on a need due to the Emergency Communication tower installation. It was moved by Allen to approve issuing an easement to WE Energies. Brown seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**DISCUSSION AND POSSIBLE DIRECTION REGARDING CITY MANAGER MANAGEMENT**

**PLAN.** Presented for acknowledgment was a 2023 City Manager Plan. The plan lists several focus areas that the new City Manager would complete, including, in part, increased communication and teamwork and re-establishment of an Economic Development platform. Councilmember Smith asked Council to acknowledge the City Management Plan so as to provide an extra layer of transparency for the community. Majkrzak moved and Smith seconded a motion to acknowledge the 2023 City Manager Plan. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber.

**FUTURE AGENDA ITEMS AND/OR FUTURE POLCO QUESTIONS.** Councilmember Smith requested that the 2019 version of the City Manager Evaluation Policy be put on a future agenda. She would also like to see the minutes of the 2013 Common Council meeting where the “Class B” license was originally issued to the previous owner of Casual Joe’s. She requested this information be provided prior to the request for award of the one remaining “Class B” the City is authorized to issue.

**ADJOURNMENT.** Majkrzak moved to adjourn the meeting. Brown seconded the motion. AYES: McCormick, Smith, Allen, Majkrzak. Brown. NOES: None. ABSENT: Gerber, Schreiber. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Michele R. Smith, Clerk



**Community Development Authority  
Board of Directors Meeting  
312 W. Whitewater St., Whitewater, WI 53190**

**MINUTES  
January 19, 2023**

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**Call to Order and Roll Call:** Chairman Singer called the meeting to order at 5:30 p.m. PRESENT: Jim Allen, Lisa Dawsey-smith, Joe Kromholz, Jason Gleason, Patrick Singer; ABSENT: Jon Kachel, Jake Gildemeister. STAFF PRESENT: John Weidl (City Manager), Steve Hatton (Finance Director), Brad Marquardt (Director of Public Works). PRESENTER: Kristin Fish-Peterson (Redevelopment Resources).

**Declaration of Conflict of Interest:** Would any member(s) of the Board wish to declare any known conflict of interest with the items presented on today's CDA Board Agenda? None stated.

**Hearing of Citizen Comments:** No formal CDA Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time. None.

**Approval of Minutes:** Moved by Kromholz to approve the Minutes of the December 15, 2022 CDA Board Meeting; seconded by Gleason. AYES: All by voice vote (5); NOES: None; ABSENT: Gildemeister, Kachel.

Kachel enters the meeting at 5:37 p.m.

**Presentation.** City Manager Weidl introduced Kristin Fish-Peterson of Redevelopment Resources who has been hire to act as a consultant to the CDA to establish a clear delineation of roles and responsibilities between the CDA and the City. Ms. Fish-Peterson began with a summary of her experience in economic development and provided a presentation to the Board entitled "What is a CDA", followed by a question and answer period. A discussion of CDA priorities followed including the following: finalizing a job description for the role of Economic Development Director/CDA Director; ED Director/CDA Director position is considered a City employee who reports to the City Manager and will be a part of the Development Team; establish a recruitment timeline and form a five-member committee to carry out the selection process; establish clear lines of communication between the CDA Director, Chairperson and Board Members; establish goals and document the process for reaching those goals; continuation of business retention visits as a means of establishing open lines of communication between the CDA/City and existing businesses; encourage flexibility and responsiveness to potential developers; continue coordination with City staff/development team to address any issues raised.

***A video of Ms. Fish-Peterson's presentation is available for viewing on the City Website under "Agendas & Minutes" for the January 19, 2023 CDA Meeting.***

**Review and Acknowledge Financial Statements:** Moved by Dawsey-Smith to acknowledge preliminary Financial Statements for period ending December 31, 2022; seconded by Kromholz. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

**Discussion and possible action regarding reduction of electric consumption of City owned street lights.**

Marquardt provided a brief summary of a budget initiative to reduce electric consumption. The proposal for consideration by the CDA included turning off City-owned street lights in the Industrial Park on Starin Road, Executive Drive, Prospect Drive, Industrial Drive, Universal Boulevard and Howard Road. Marquardt stated that the actual savings would only be \$5,000 rather than the estimated \$50,000. A discussion of safety issues ensued due to the high volume of traffic. Moved by Kachel to reject the proposal to turn off the City-owned lights in the Industrial Park and to keep the lights on; seconded by Gleason. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

**Discussion and possible action regarding extension of the Construction Deadline called for under the Development Agreement entered into between PropertyX LLC and the City dated March 29, 2022.**

City Manager Weidl stated that Neighborhood Services has received an application for Plan Review and a copy of the project's Conditional Approval from the State of Wisconsin Department of Safety and Professional Services. Weidl recommended seeking approval from the Common Council to amend the Development Agreement so as to avoid expiration of the March Construction Deadline called for in the Agreement.

Moved by Dawsey-Smith to recommend that the Common Council direct Weidl to amend the Development Agreement to extend the Construction Deadline to 09/02/2024; seconded by Kromholz. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

**Update regarding Board Member attendance and removal of Board Member.** Weidl stated that he will place a request on the February Agenda of the Common Council to remove a CDA Board Member due to non-attendance and seek to fill the vacant position.

**Update regarding recruitment of grocery merchant.** Weidl stated that he has met with a property owner that the Gro Co has targeted as a site and this person is amenable to working with the City. Weidl will speak with another property owner next week in order to make everything go. If that happens, Weidl will put preliminary documents together outlining what the City would need from the CDA in order to make that happen. They are making positive progress, they have identified a site and Weidl will bring this back to the CDA for closed session discussion at a future meeting.

**Economic Development Activity Report (Weidl).** Weidl stated that working with Kristin Fish-Peterson will consume most of our economic development capacity. Soon, they will bring back a job description for Economic Development Director/CDA Director for review and comment by the CDA Board. The CDA could then post the job description and begin recruiting as Kristin continues her work.

**Board Member Requests for Future Agenda Items:**

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

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

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

- a. Negotiation of sale of Lot 6B (Tax Parcel 262-0515-3434-001) located on Endeavor Drive to David & Goliath LLC.
- b. Deliberation regarding Blue Lien Battery Intercreditor Agreement.

- c. **Deliberation of Letter of Intent to purchase Bluff Road Lots (Tax Parcels /A323600002, /A503200001 and /A503200002.**

Singer noted that Ben Bolton of David & Goliath LLC will be invited to join the meeting to present additional information and respond to questions from the Board regarding Item a, after which Mr. Bolton will be excused. Motion seconded by Allen. Roll call on the motion: AYES: Kromholz, Kachel, Allen, Dawsey-Smith, Gleason, Singer; NOES: None; ABSENT: Gildemeister.

**RECONVENE INTO OPEN SESSION.** Moved by Dawsey-Smith to reconvene into open session for possible action on Closed Session items; motion seconded by Kromholz. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

Regarding Item a: No action was taken.

Regarding Item b, moved by Allen and seconded by Dawsey-Smith to reject a request that the CDA join in an Intercreditor Agreement regarding Blue Line Battery. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

Regarding Item c: Moved to approve the non-binding Letter of Intent at 6 months subject to attorney approval; seconded by Gleason. AYES: All by voice vote (6); NOES: None; ABSENT: Gildemeister.

**ADJOURNMENT.** Moved by Dawsey-Smith to adjourn the meeting; seconded by Allen. AYES: All by voice vote (6); NOE: None; ABSENT: Gildemeister. Meeting adjourned at 6:45 p.m.

Respectfully submitted,  
Bonnie Miller, Recorder

Minutes approved by CDA Board on 02/16/2023



## 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:

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John Weidl, City Manager

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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)  
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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:

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(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 ~~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.

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(b) The routes designated as an ATV/UTV vehicle route shall be as follows: All streets, roads and highways in the City of Whitewater, ~~Jefferson County~~, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus and portions of streets, roads and highways where the designated speed limit is greater than 35 m.p.h.).

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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

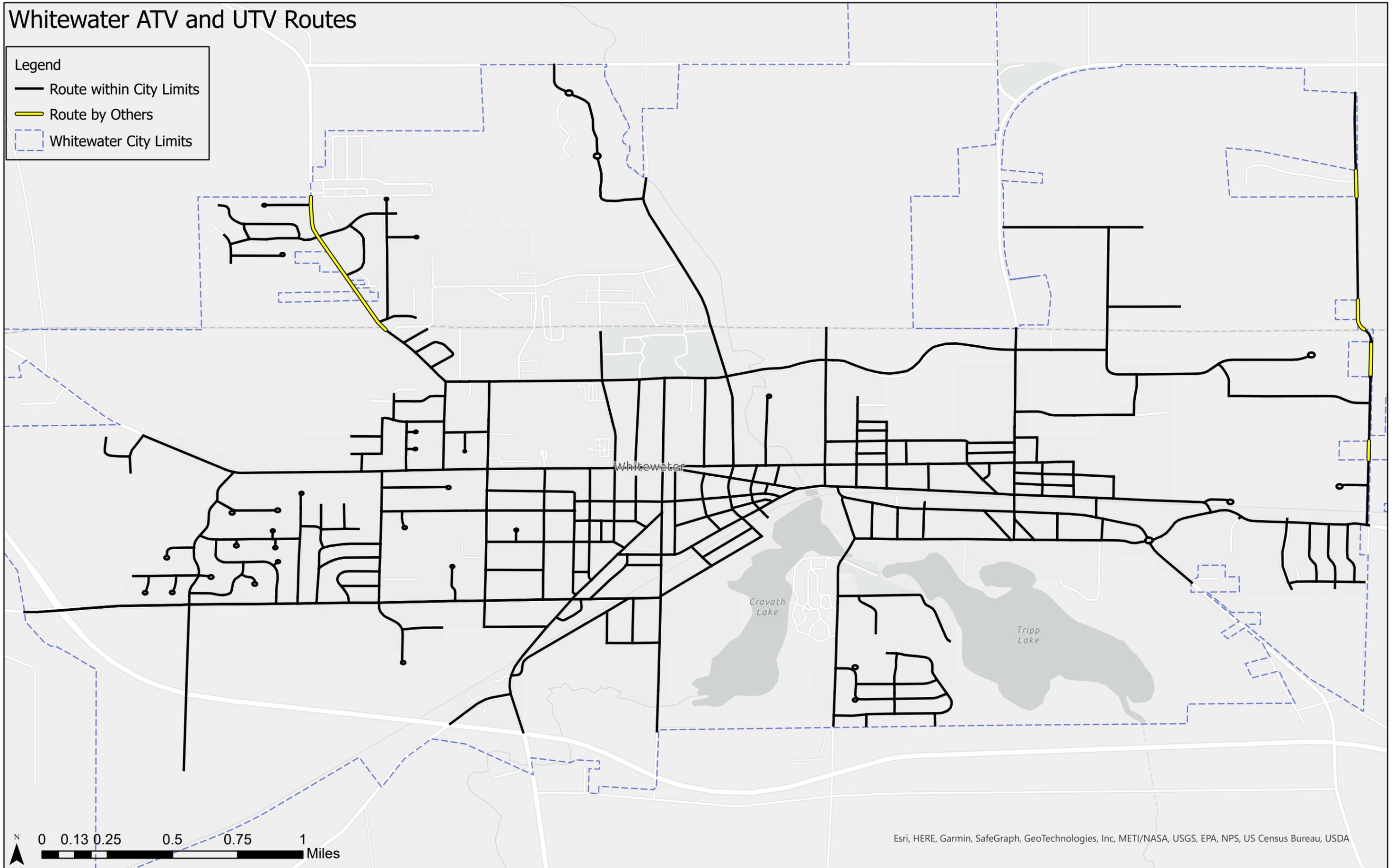
\_\_\_\_\_  
Michele R. Smith, City Clerk



# Whitewater ATV and UTV Routes

**Legend**

- Route within City Limits
- Route by Others
- - - Whitewater City Limits



Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



## 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

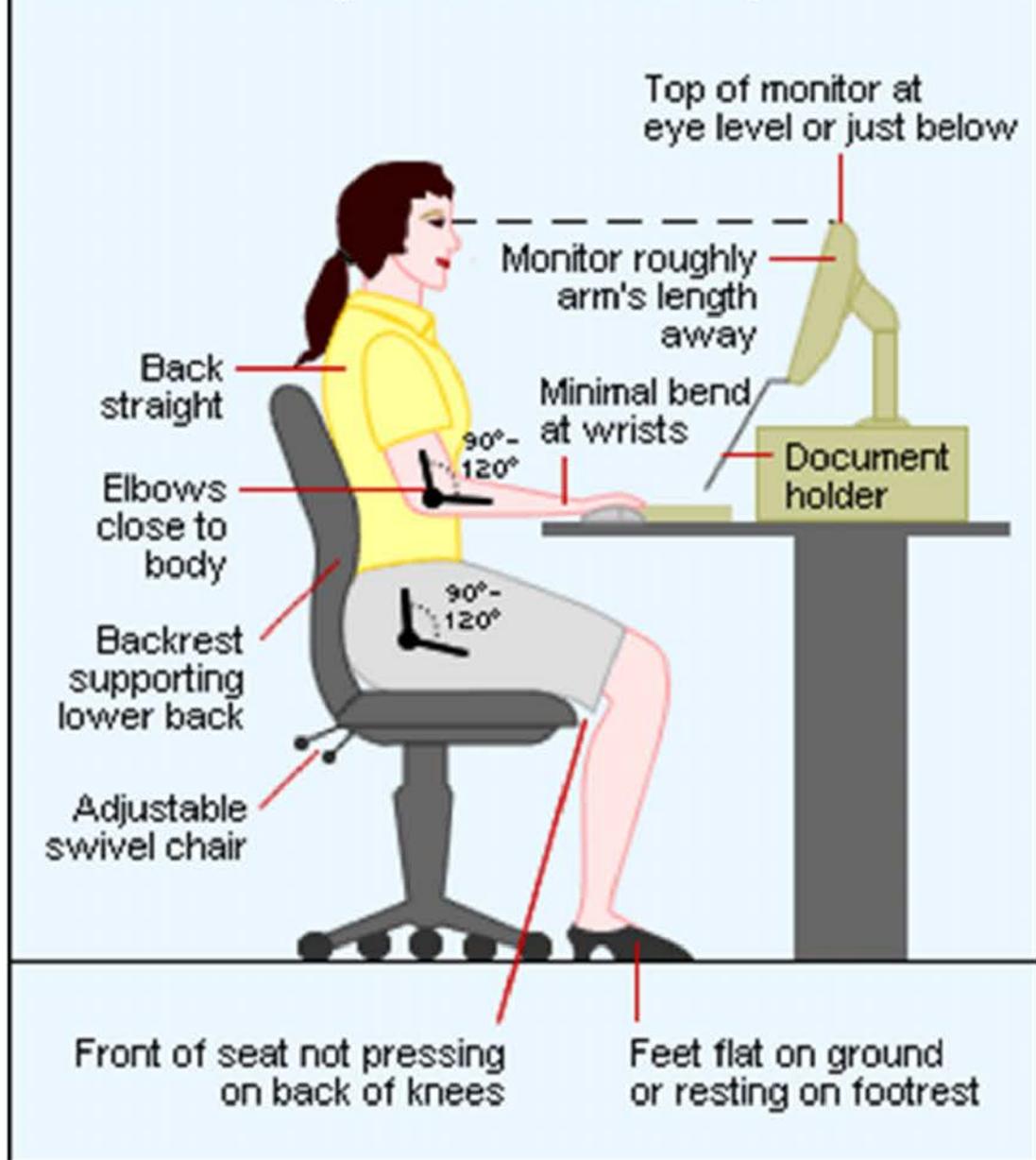
## Monitor

- 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:	3/07/2023
Agenda Item:	Polco Invoice #17427
Staff Contact (name, email, phone):	John S. Weidl, City Manager; jweidl@whitewater-wi.gov

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

Polco submitted an invoice for services for 3/10/2023 through 3/09/2024.

As I understand, the Common Council and City staff have used Polco as a tool to reach out to the community for input on various issues. I would like to take this opportunity at renewal to make sure that the Common Council is still finding value in this service.

How many times Polco was used: 2022 – 5, 2021 – 14, 2020 – 5

The total number of subscribers since 2017 is 818. The total number of responses since March of 2017 is 3,660, which includes the answers to each question in each survey. Reporting can only be run on individual surveys, not the overall content.

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

N/A

**FINANCIAL IMPACT**  
(If none, state N/A)

\$2,531 for the annual renewal

**STAFF RECOMMENDATION**

Please decide whether or not to continue with Polco services or whether the Common Council is interested in other options.

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

1. Polco Invoice #17427



# Invoice #17427

### Invoice from Polco

Make check payable to Polco and remit to 2955 Valmont Road, #300, Boulder, CO 80301 or use the buttons below to pay by credit card or bank account.

### Bill To

Whitewater, WI  
jthomas@whitewater-wi.gov

### Invoice Summary

**Invoice Number** 17427  
**Date** 02/16/2023  
**Terms** Net 30  
**Due Date** 03/18/2023  
**Amount Due (USD)** \$ 2,531.00

### Item / Description

**Quantity** **Rate** **Amount**

#### Polco Premium - Subscription

1 2,531.00 2,531.00

This is your subscription fee for Polco Premium - Subscription for the term starting 03/10/2023 and ending 03/09/2024.

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**Amount Due (USD)** \$ 2,531.00