



## COMMON COUNCIL AGENDA

Common Council Meeting

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

**Thursday, April 6, 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: Apr 6, 2023 06:30 PM Central Time (US and Canada)**

**Topic: Common Council Meeting (VIRTUAL and IN PERSON)**

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

**<https://us06web.zoom.us/j/82803356629?pwd=U3A3VWxNNmFDMIRGeVk3bnpZZU14QT09>**

**Passcode: 771691**

**Or Telephone:**

**US: +1 929 205 6099**

**Webinar ID: 828 0335 6629**

**Passcode: 771691**

**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 3/21/23.                                                                                                                                                                      | P. 1 |
| CA-B | Acknowledgment of Receipt and Filing of:<br>*Irvin L. Young Memorial Library Minutes of 2/15/23.<br>*Parks and Recreation Board Minutes of 1/18/23.<br>*Urban Forestry Commission Minutes of February, 2023. | P. 9 |
| CA-C | Expedited Approval of the Following Items, per City Staff Recommendation: O-1                                                                                                                                | n/a  |

**CITY MANAGER REPORT.**

**STAFF REPORTS: None.**

*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:**

|      |                                                                                                                               |       |
|------|-------------------------------------------------------------------------------------------------------------------------------|-------|
| *O-1 | Amending Whitewater Ordinance Section 1.21.010 regarding bond amounts for violations of Chapter 11.45, the ATV/UTV ordinance. | P. 25 |
|------|-------------------------------------------------------------------------------------------------------------------------------|-------|

**Second Reading: None.**

**CONSIDERATIONS:**

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |       |
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| C-1 | Action on requests for "Class A" Beer and Liquor Licenses for the following applicants: (Allows applicants to sell packaged beer and liquor for off-premises consumption)<br><br>1. Whitewater Petroleum Co. – Lisa Long, Agent. Business Location: Five Points Mobil, 804 Walworth Ave.<br>2. Campus Quick Shop, Inc. – Jason McCardle, Agent. Business Location: 1134 W. Main Street.<br>3. Casey's Eastsider, - Anthony Wayne Hawks, Agent, 650 E. Milwaukee Street<br>4. Wish Enterprises, LLC - Mohan Singh, Agent, 1138 W. Main Street. | P. 34 |
| C-2 | Reconsideration of council action on flexible work policy. (Councilmember Gerber request).                                                                                                                                                                                                                                                                                                                                                                                                                                                    | P. 35 |
| C-3 | Request for authorization to purchase police department equipment (to be reimbursed through Law Enforcement Agency Grant). (Police Chief Meyer Request).                                                                                                                                                                                                                                                                                                                                                                                      | P. 43 |
| C-4 | Update on Cable Television PEG channel / Spectrum. (Councilmember McCormick Request)                                                                                                                                                                                                                                                                                                                                                                                                                                                          | P. 53 |
| C-5 | Councilmember Requests for Future Agenda Items.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | n/a   |

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|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| C-6 | <p><b><u>EXECUTIVE SESSION.</u></b> Adjourn to executive session, <b><i>NOT TO RECONVENE</i></b>, pursuant to Chapter 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” and 19.85(1) e “Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” Items to be discussed: 1) Negotiation of Aquatic and Fitness Center Agreement with School District; and 2) Contract Negotiation with Whitewater Professional Police Association.</p> |  |
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**\*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.**

March 21, 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, Brown, Gerber, Schreiber. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Majkrzak and seconded by Allen to approve the Council Minutes of 3/7/23; and to acknowledge receipt and filing of the following: Preliminary Financial Reports for December, 2022; Plan Commission Minutes of 1/13/23; Public Works Committee Minutes of 2/14/23; and Whitewater Police Department 4<sup>th</sup> Quarter Report, 2022. AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber. NOES: None. ABSENT: None.

**CITY MANAGER REPORT.** City Manager Weidl highlighted events in the City including, Public Works projects, Fire/EMS ice rescue training, Library programs, Neighborhood Services, Aquatic and Fitness Center updates, and Police Department updates.

**STAFF REPORTS.** **Library Report Regarding Fundraising Campaign** – Library Director, Stacey Lunsford stated that the 100 Extraordinary Women Initiative has raised \$97,000 and there has been \$180,000 raised in major gifts. This results in 70% of the fundraising goal being met. Lunsford indicated that the public phase of fundraising will probably begin this summer, but has not been discussed. **Neighborhood Services Update on Code Enforcement** – Neighborhood Services Officer, Derek Johnson, gave a brief presentation on code enforcement. Johnson stated that there were 836 code violations in 2022, and 191 so far in 2023. He indicated that the goal of code enforcement is for fines and fees to *decrease*, showing that compliance is improving and the need for fines is decreasing. Since 2017, compliance has improved. In response to Councilmember Allen’s question, it was confirmed by City Manager Weidl that Johnson is the only person doing code enforcement. **Wayfinding Signs Update** - City Manager Weidl stated that the Tourism Council is involved financially in updating the signs, resulting in the need to solicit another proposal. The information was included in the Council backup material. Councilmember Gerber said that she thought Parks and Recreation completed a report several years ago that included samples, etc. She wondered if they are using any of that information, or if they are just starting over. Councilmember Allen stated that he was interested in merely having the repaired and repainted. Councilmember Smith asked whether Allen was referring to the black metal signs. She indicated that many of the locations have changed, and substantial changes would be needed for the signs. Allen opined that the signs that can be repaired should be and he does not support throwing all signs out. **Update on ATV/UTV Implementation Plan** – Director of Public Works, Brad Marquardt, stated that the signage was ordered last week, with expected delivery in three to four weeks. Publication of the ordinance is scheduled. The City Attorney is working on bond amounts for violations, which is a three to four week process. Maps have been sent to mapping associations. Everything is anticipated to be complete by mid-April. Councilmember McCormick asked whether Starin Road will be open to ATVs. Marquardt stated that Starin Road is a public right of way *so it will be open for use*. Gerber asked for: information regarding the ordinance and safety issues to be put on the police department website; also in a press release from the City Manager’s office; and promoted on social media. Marquardt stated that he will work on having that done by mid-April.

**HEARING CITIZEN COMMENTS.** Neil Hicks, 1254 Tower Hill Pass, wondered if the road extending west from the end of Walton Drive is a public road. Kathy Schumacher, 834 Acorn Ridge, said that the cement blocks on the “road to nowhere” off Walworth Avenue near County N, are an eyesore and

something should be done about it. Schumacher also stated that the building on the corner of Second Street and Center Street has paper in some of the windows and something should be done to improve the appearance of the building.

**RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR STORM WATER PLANNING PURPOSES.**

**RESOLUTION AUTHORIZING GOVERNMENTAL  
RESPONSIBILITY FOR URBAN NONPOINT SOURCE AND  
STORMWATER GRANTS**

**WHEREAS**, the City of Whitewater is interested in acquiring a Grant from the Wisconsin Department of Natural Resources for the purpose of implementing measures to control agricultural or urban storm water runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 154 and 155); and

**WHEREAS**, a cost-sharing grant is required to carry out the project;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Whitewater that the Common Council authorizes the City Manager for the City of Whitewater to act on behalf of the City of Whitewater to:

- Sign and submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available;
- Sign a grant agreement between the local government (applicant) and the Department of Natural Resources;
- Sign and submit reimbursement claims along with necessary supporting documentation;
- Sign and submit interim and final reports and other documentation as required by the grant agreement;
- Sign and submit an Environmental Hazards Assessment Form, if required; and
- Take necessary action to undertake, direct and complete the approved project.

**BE IT FURTHER RESOLVED** that the City of Whitewater shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Resolution introduced by Councilmember Majkrzak who moved its adoption. Seconded by Allen. AYES: Schreiber, Allen, Gerber, Smith, Brown, Majkrzak, McCormick. NOES: None. ABSENT: None. ADOPTED: March 21, 2023

John S. Weidl, City Manager

Michele R. Smith, City Clerk

**GRANTING THE AVAILABLE “CLASS B” ALCOHOL LICENSE TO ONE OF THE FOLLOWING APPLICANTS: 1. WHITEWATER PETOLEUM CO. – LISA LONG AGENT. BUSINESS LOCATION: FIVE POINTS MOBIL, 804 WALWORTH AVE. OR CASUAL JOES BBQ LLC – MICHAEL HUDEC AGENT, BUSINESS LOCATION 319 JAMES STREET.**

Attorney McDonell stated that the City has one available “Class B” license and two applicants. The applicants had gone before the Alcohol Licensing Committee and had been ranked by the committee. Originally, there had been three applications, but one applicant (Apprahamian family d/b/a Bowers House) withdrew prior to the Alcohol Licensing Committee meeting. The committee ranked Five Points Mobil the higher of the two applicants. The Mobil station still required a Conditional Use Permit, so Common Council action was postponed until a hearing by the Plan Commission could be held. Plan Commission granted the Conditional Use Permit.

Bower’s House, the applicant that withdrew, has notified the City that they intend to renew their application. McDonell stated it is up to Council what they do. The Council may grant a license to either of the two current applicants, not grant any license, or postpone action until the Bower’s House renews their application. Councilmember Brown asked if there was a timeframe for when Bower’s House would renew their application. Clerk Smith said she didn’t know.

Councilmember Majkrzak said that the “Class B” licenses are valuable to the City and they should be actively used. He would like to see the ranking from the Alcohol Licensing Committee used to determine the license. Councilmember Allen stated that he thinks action should be postponed. City Manager Weidl asked when the cut off should be for submission. McDonell said that the ordinance says that there is no priority based on when applications are submitted; the timeframe is based more on the practicality of when committee members can meet.

Megan from the Bower’s House stated that their application was withdrawn after the death of a family member. She said the timing of the project was not known. Smith asked how soon a license needs to be used after issuance. Clerk Smith stated that the ordinance says a license must be used within 60 days of issuance and the establishment must be open a minimum of 50 days per year. A day is defined as six consecutive hours.

Mobin Ahmad, of the Five Points Mobil, 804 W. Walworth Ave., stated that his establishment was ranked first by the Alcohol Licensing Committee and he has already started to make changes and place down payments, in anticipation of the license being issued.

Councilmember Gerber asked what kind of food or restaurant he would be putting in. Mr. Ahmad stated that it would be burgers, hot dogs, seasonal food, breakfast sandwiches. He also stated that he is hoping to bring in more customers between 6:00 pm and midnight. Business during those hours has decreased due to competition.

Majkrzak asked if the Council can issue a gas station a “Class B” license. Attorney McDonell stated that the Police Chief and the Department of Revenue have said that in its current state, the building would not qualify for the license. McDonell said that if the area is described as a restaurant and is a segregated area, not the entire building, it may be allowed for that segregated area. City Manager Weidl asked if there will be a commercial kitchen installed. Ahmad said that there is already a commercial kitchen. Weidl asked what percent of the food will be made to order. Ahmad said that the food sales are about five percent of gross earnings and he hopes to increase that to ten to fifteen percent. Weidl asked if it is made or

prepackaged. Ahmad said that it is prepackaged that is warmed up in the kitchen. City Manager Weidl said that his idea of a restaurant is that the food is made when it is ordered.

Ahmad said that the area where liquor would be served is in the corner of the building, separated from the rest of the store. He said there would be additional staff, and patrons would not be allowed to walk around the store with an open beer.

Councilmember Allen stated that this type of license is meant for a business that has a focus on food, a destination for people to go and spend some time. He would be inclined to give it to a place that has banquets and draws people from out of town.

Michael Hudec of Casual Joe's BBQ, 319 James St., said that he already has a location where he can use the license. He has a bar and a banquet hall that are useless without the license. Hudec thinks there are other licenses, such as the local bowling alley, that have been issued and are not being used as well as they could be, and should maybe be given to other businesses. Hudec believes that the other applicant and the one who withdrew would both have trouble meeting the 60-day requirement. He states that he has an established business that draws patrons from out of the city that could use it now. Hudec indicated that without the license, he has had to cancel banquets and put his building up for sale. If he doesn't get the license, he will have to go through with selling the building.

Councilmember Smith asked if he would be able to use the license within 60 days. Hudec said that he could. McCormick asked if he would sell the building without the license. Hudec said that he would have to sell without the license. McCormick asked if it is for sale already. Hudec said that it is. He explained that after the Alcohol Licensing Committee meeting, he thought he would not be granted the license, so he put it up for sale. If he is granted the license, he will re-evaluate that plan.

Alsaf, who runs the gas station for Mr. Ahmad, wondered why Hudec needs the license if his food product is so good. He pointed out that when Ahmad purchased the gas station, it was going to be shut down and he turned the business around.

Councilmember Gerber asked for the legal definition of a restaurant is. Attorney McDonell read the definition from the alcohol section of the State Statutes. *"Restaurant" means any building, room, or place where meals are prepared or served or sold to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. For purposes of this subsection, "meals" does not include soft drinks, ice cream, milk, milk drinks, ices, and confections. "Restaurant" does not include any of the following: Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter, and the serving of food or beverage through a licensed vending machine.* Gerber wondered if the word "prepared" referred to food made on premises or to prepackaged. McDonell said that the Council needs to use its best judgment to decide. He stated that he can't say that it does or does not meet the definition. Gerber asked if the bowling alley license could be re-evaluated. Councilmember Smith said that it isn't relevant to the decision before the Council this evening. City Attorney McDonell said that that license should be discussed at another meeting, when it is noticed on the agenda.

Councilmember Majkrzak said that had he had the information from the police chief before the Alcohol Licensing Committee meeting, he would not have ranked them the way he did. Majkrzak added that Five Points Mobil has been recommended by the Alcohol Licensing Committee for a "Class A" license. Majkrzak moved to grant the "Class B" license to Casual Joe's BBQ LLC. Schreiber seconded the motion. AYES: Schreiber, Brown, Majkrzak, Smith. NOES: McCormick, Allen, Gerber. ABSENT: None.

**PRESENTATION BY CLEAR PATH ENERGY/TERRA FOCUS ON LEASING THE OLD WHITEWATER LANDFILL (NORTH END OF JEFFERSON STREET) FOR SOLAR ENERGY GENERATION.**

Jeffrey Brown from Terra Focus, an impact advisory firm in Madison, and his client, Clean Path Energy, represented by Omar Khaleel, gave a presentation on a potential solar project in the City. Clear Path is interested in developing solar fields on closed landfills. The project would consist of a \$7-9 million project that would create five megawatts of power to sell through distribution lines. They would be interested in leasing 25 acres over a 25 year period. This would create \$625,000 in revenue for the City over the term of the lease. They would also like to engage with the City in a Payment in Lieu of Taxes agreement, with terms to be negotiated. The company wants to do this type of project on parcels that are not generating any revenue. The project would consist of 9000 solar panels. It would need to be able to connect to the grid, and the means to do this is already available on the site. The parcel is only viewable from a small portion of Starin Road, which also makes it a desirable site. Potential purchasers of the power created include the City, the University, the School District, and the Business Park. Project timeline would be an initial 2-5 year option, followed by 6-12 months of construction, then a 25 year lease. The company strives to use at least 50% domestic content in their construction. The DNR is very supportive of this type of project. The company is not asking for any capital investment by the City. City Manager Weidl said that staff does not see any reason to not move forward. Councilmember Brown stated that she loves the idea and wonders if they will be hiring locally to help install the panels. It was noted that they would be working with local contractors. Councilmember McCormick asked how the power would get from the panels to the particular purchaser. Mr. Brown stated that the power gets put into the system and it is virtually contracted. Allen stated that all of their other projects are in New York or Massachusetts, and wondered why they were coming to Wisconsin. Mr. Brown stated that there is legislation being worked on regarding community energy programs and they want to begin programs in the state that will not take away any farmland.

**AWARD OF CONTRACT 1-2023, SOUTHWEST WATER MAIN EXTENSION, TO FOREST LANDSCAPING AND CONSTRUCTION, INC. OF LAKE MILLS, WISCONSIN.**

Director of Public Works Marquardt stated that this project was bid earlier this year. The project is to run water main from the new water tower east to a dead end water main. This will add resilience in case of a water main break. Total cost is \$451,700. The Public Works Committee recommends approval. Allen moved to approve awarding the contract to Forest Landscaping and Construction. Majkrzak seconded the motion. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**PAYMENT TO THE TOWN OF COLD SPRING FOR REIMBURSEMENT OF REPAVING PORTIONS OF HOWARD ROAD WITHIN THE CITY LIMITS.**

Director of Public Works Marquardt stated that this is an item that was discussed at an earlier meeting in regard to possible federal funding available for the project. The Town of Cold Spring rejected the federal money, feeling that they could pay for the project themselves for around the same cost. The estimated cost of the City's portion of this project is \$260,000. Allen moved to approve the reimbursement to Town of Cold Spring. Majkrzak seconded the motion. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**STRAND TASK ORDER 23-04 FOR THE DESIGN OF WATER MAIN TO SERVE JOHNS DISPOSAL.**

Director of Public Works Marquardt stated that this project is to extend water to John's Disposal for sprinklers in the new building they are expected to build, and because of issues with their current well. The DNR wants them to find a solution to those issues and a water main extension would do that. The main would run from the old LS Power land (now WE Energies) east to Johns. The cost is \$43,000. This money was not budgeted, but there is money available. Marquardt said that there may be Clean Water funds available to cover the project. The Public Works Committee recommends approval. Allen moved approval of Task Order 23-04. McCormick seconded the motion. Weidl asked if the cost of the construction and design would be special assessed to Johns to recapture the money. Marquardt said that it would. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.



**EASEMENT TO JOHNS DISPOSAL FOR A DRIVING AISLE TO ACCESS PARKING STALLS.**

A representative from Angus Young explained that the driving lane would be along the lot line of City owned land and Johns to allow for additional parking next to the new building. Allen moved to approve granting the easement. Schreiber seconded the motion. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**STRAND AMENDMENT TO TASK ORDER 22-05 FOR PERFORMING CONSTRUCTION-RELATED SERVICES FOR THE INSTALLATION OF THE SOUTHWEST WATER MAIN EXTENSION.**

Director of Public Works Marquardt stated that this amendment would have Strand do construction inspection services. Additional cost is \$44,000 for a total cost of \$79,200. The project is still within the budgeted cost. Allen moved approval of the amendment to Task Order 22-05. Schreiber seconded the motion. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**STRAND TASK ORDER 23-06 FOR THE DESIGN OF WALWORTH AVENUE.**

Director of Public Works Marquardt stated that this project is mill and overlay of Walworth Avenue from Janesville Street to the Rock County line. This is a project that is partially federally funded, so DOT procedures for plans and specs need to be followed. The total cost for the design phase to meet all the requirements is \$296,000. This process will take about a year and a half. The plans need to be submitted by November 2024. Marquardt stated that there is money in Fund 280, Street Maintenance, to help to begin to pay for this. The Public Work Committee recommends approval. Brown asked for clarification on how the costs are broken down for the project. Marquardt stated that for the construction portion, 80% is federal money and 20% is cost the City has to pay. For the design portion, the City pays 100%. Allen moved to approve Task Order 23-06. Schreiber seconded the motion. Smith asked that Marquardt communicate to the public about the project and the federal money and additional requirements involved. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**STRAND TASK ORDER 23-05 FOR THE DESIGN OF INNOVATION DRIVE.**

Director of Public Works Marquardt stated that this project is similar to the Walworth Avenue project, as it uses Federal funds and requires the DOT procedures to be followed. The cost is \$82,000. This was not budgeted, but Fund 280 will be used to pay for this. Marquardt stated that Strand analyzed the cost to the City using the Federal program as opposed to the City doing the project itself. Strand found that the City is coming out ahead on this project and Walworth Avenue by using the Federal funds. Allen moved to approve Task Order 23-05. Schreiber seconded the motion. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber, Allen. NOES: None. ABSENT: None.

**FLEXIBLE WORK SCHEDULE.** Councilmember Allen asked how this item keeps coming up on the agenda. He stated that on January 17, the remote work policy was struck down except for extreme circumstances - then it was back on the agenda at the last meeting. Smith stated that it was on the agenda at the last meeting because Allen had requested that it be postponed due to two Council members being absent.

**Smith moved approval of the flexible work schedule policy with the alteration under Guidelines #B2, where it says immediate manager, she would like it changed to City Manager. Majkrzak seconded the motion.**

Gerber asked about section 306.00 #2C regarding the compressed work week. Gerber wondered how much overtime the compressed work week causes for the Public Works Department. Director of Public Works Marquardt stated that there is no one in the Streets Department past 10 am on Fridays, but he hasn't seen an issue with overtime. In the Water and Wastewater Departments, they work around the schedule. They

also come in on Saturdays and Sundays to do rounds. There is one employee in water that works eight hour days. Marquardt said that overtime has not been an issue. Gerber stated that she would like to see it worked so there was no overtime. Gerber said that under remote it sounds like you can have it immediately and would like that changed to after one year of employment. Under Flex Days Allowed, she would like to ensure one person from each department is present so there is complete coverage when there are flex days. Gerber said in the wording under “B” sometimes there is a reference to immediate manager and sometimes employee supervisor. She would like to see consistency in the wording. Under “D” Remote Work Guidelines, Gerber would like to see the checklist that was in one of them for the safe environment working conditions with a signature required. She would like remote work limited to no more than one or two days per week. Gerber would like it spelled out in the document that you can’t use remote work in place of sick time or FMLA. Allen asked if these were separate amendments. Gerber said that she would like to see it sent back to incorporate all of the changes.

**Gerber moved to send the policy back to incorporate the changes she listed.** Attorney McDonell asked that the first motion be voted on and then vote on the second if the first one doesn’t pass. **Allen moved to amend Smith’s motion to change “C” under Review from six months to one month. There was no second. Allen made a motion to amend Smith’s motion that “C” under Review number 2, that after successful completion of the trial period the arrangement will be reviewed at least every six months rather than annually. Gerber seconded the amended motion.**

Councilmember Smith said she is not inclined to amend it in any form, since it is included in the policy that it would entirely be reviewed in one year.

**AYES: McCormick, Gerber, Allen. NOES: Schreiber, Brown, Majkrzak, Smith. ABSENT: None. Amended motion failed. Schreiber asked if Smith would withdraw her motion so that the body can discuss openly and try to come to a consensus on changes. Smith said she will not withdraw the motion. She stated that the Council is the policy setting body, but the City Manager is the one who carries it out. Her intent is to allow him to implement the policy and be held accountable to make sure that the citizen’s needs are met within the framework of the policy.**

Councilmember Schreiber said that of the items that Gerber listed, he felt that differentiating between sick, vacation, and remote work is fairly important, but is possibly more of a human resources issue. Smith said that she thinks that any member of the Council can say to the City Manager, I hope you are doing this, because it is in the best interest of the citizens. Allen said that he feels like this policy that a few people came up with and it is being shoved down our throats. City Manager Weidl said that the motion to draft this policy passed 5-2 at the last meeting.

Councilmember Smith responded that the framework of the policy was in at least two packets. She said it is not something she sourced, but it is something she supports, because the environment requires flexibility to retain staff. Allen asked if she thought flex time is why people are quitting. Smith said she thinks it can affect whether current or future employees choose to remain or not.

Councilmember Gerber asked if there was wording in the policy that states that the City Manager has the right to alter the policy. Smith said no and that the policy as a whole will be reviewed in a year. Gerber is concerned that there are departments that could be left without any employees. Smith said that the policy states that department heads are responsible for remote work not disrupting operations and the level of service provided. Allen stated that code enforcement wouldn’t be able to work from home. Smith agreed and said that in the policy it states that not every department or position is eligible. Gerber said that the standards are not known. Allen said it is too vague. Majkrzak said that they don’t all have to agree, that’s why they are a voting body, there is a motion on the table. Gerber said she is concerned that some things are not set and it will need to be brought back when situations arise that are not in the policy. Allen asked

if the one year review can have a date attached to it. Weidl said that it would be the closest meeting to this date next year. Allen asked who was going to keep track of that to make sure it happens. Weidl said that he would.

Gerber asked if this would replace the remote work policy in the employee handbook. Smith said that she thinks that will be part of the process of the new HR manager going through and updating the employee manual. Gerber asked if this policy gets approved, which one will employees have to follow, the one in the manual or this one. Weidl said that they would follow this one. Gerber stated that part-time employees are not mentioned in the policy and wondered if they were eligible for remote work. Majkrzak said that he trusts management to handle it. Smith said that she would have trouble thinking of a part-time person who would fit the framework for this, but would trust the management to handle it. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber. NOES: Allen. ABSENT: None.

**FUTURE AGENDA ITEMS.** McCormick would like a Spectrum update. Gerber would like to bring back the flexible work policy for consideration. City Manager Weidl indicated that a councilmember who voted in the affirmative would have to bring it back. Gerber confirmed she had voted in the affirmative.

**EXECUTIVE SESSION:** It was moved by Smith and seconded by Majkrzak to adjourn to closed session ***Not to Reconvene***, per Wisconsin Statutes 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:** Performance evaluation of City Manager. AYES: McCormick, Schreiber, Brown, Majkrzak, Smith, Gerber., Allen. NOES: None. ABSENT: None. 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, February 15, 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 6:37 p.m.

Present: Sallie Berndt, Alyssa Orlowski, Jennifer Motszko, Kathy Retzke, Jaime Weigel

Absent: Doug Anderson, Brienne Diebolt-Brown

Staff: Stacey Lunsford, Diane Jaroch

2. Consent Agenda

- a. Approval of Minutes Approval of the minutes of the regular meeting on January 18, 2023\*
- b. Acknowledgment of Receipt of Financial Reports\*
- c. Acknowledgment of Payment of Invoices for January 2023\*
- d. Acknowledgment of Receipt of Statistical Reports for January 2023\*
- e. Acknowledgment of Receipt of Treasurer's Reports\*

MSC Retzke/Orlowski to approve the Consent Agenda.

Ayes: 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.I RESOLUTION APPROVING THE SALE OF REAL ESTATE LOCATED AT 407/409 WEST CENTER STREET, WHITEWATER, WISCONSIN

MSC Weigel/Berndt to approve the resolution for the sale of real estate located at 407/409 West Center St, Whitewater WI

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

Nays: none

##### 4.II RESOLUTION APPROVING THE SALE OF REAL ESTATE LOCATED AT 413 WEST CENTER STREET, WHITEWATER, WISCONSIN

MSC Orlowski/Weigel to approve the resolution for the sale of real estate located at 413 West Center St, Whitewater WI

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

Nays: none

##### 4.III RESOLUTION APPROVING THE SALE OF REAL ESTATE LOCATED AT 414/414A FOREST AVENUE, WHITEWATER, WISCONSIN

MSC Retzke/Weigel to approve the resolution for the sale of real estate located at 414/414A Forest Ave, Whitewater WI

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

Nays: none

##### 4.IV. Review and Approval Of 2023 Strategic Plan Activities

MSC Weigel/Orlowski to approve the 2023 Strategic Plan Activities.

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

Nays: none

#### 5. New Business

##### 5.I. Approval of the 2022 State Annual Report

- Jennifer asked for clarification about public services and reference services offered during COVID-19 (p. 25). Stacey clarified that this question was asking if these services had been impacted as a result of the pandemic.

MSC Retzke/Berndt to approve the 2022 State Annual Report.

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

Nays: none

#### 5. II. Review and Re-Approval of The Book Clubs Policy

- No revisions. Request reapproval.

MSC Orlowski/Retzke to approve the Book Clubs Policy.

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

Nays: none

#### 5. III. Friends of The Library Board Meeting Future of the Friends of the Library

##### 1. Recruitment plan

##### 2. Dissolving the group

- Stacey is currently doing all of the work of the Friends group.
- The board discussed the benefits of continuing or dissolving the group.
- Will vote next month about whether the group should be dissolved. The Friend of the Library's Bylaws will be added in the meeting packet for the board review prior to voting.

#### 6. Staff & Board Reports

##### 6. I. Director's Report ~ see attached

- Stacey shared an incident regarding a patron filming in the library. She said she provided the patron with the library's policy regarding filming. He or she left but logged a complaint with the City.

##### 6. II. Adult Services Report ~attached

##### 6. III. Programming & Makerspace Librarian Report ~ see attached

##### 6. IV. Bridges Library System Staff Report ~ see attached

##### 6.V. Board Reports

##### Trustee Training Week reports

##### 1. Stories and Action - Jennifer

- The main topic of this webinar was about people's motivation behind funding a library.
- Motivating and messaging points were shared in the webinar.
- Libraries are still grappling with the long-term effects of the pandemic on services and how to market in the changing world.

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.

8. 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 Orlowski/Berndt to approve moving into closed session not to reconvene.

Ayes: 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 15, 2023

Confirmation of the next meeting on March 20, 2023, at 6:30 p.m.

**DIRECTOR'S REPORT**  
**February 15, 2023**

**I. ADMINISTRATION**

- a. Ten work orders were submitted in January.
  - i. Requested that the stained-glass art piece given in memory of a long-time volunteer be hung in the Community Room.
  - ii. The south side handicapped door button was frozen.
  - iii. Sarah's computer was shutting itself down.
  - iv. The makerspace laptop is not functioning.
  - v. One of the OPACs was responding sluggishly.
  - vi. Someone dumped a box of books and a broken cart outside the staff door; requested it be hauled away.
  - vii. Requested recycling of plastic CD cases
  - viii. The evacuation map in the periodicals are needed to be remounted.
  - ix. A box of duplicate yearbooks to be taken to the basement for storage.
  - x. Our phone service was not allowing patrons to hear us when we answered the phone.

**II. BUDGET**

- i. The budget amendment approved at the February 7 council meeting included an additional \$15,000 to balance the library's operating budget.

**III. PERSONNEL**

- a. None.

**IV. LIBRARY COLLECTION**

- a. None.

**V. PUBLIC AND COMMUNITY RELATIONS**

- a. None.

**VI. LIBRARY BOARD RELATIONS**

- a. None.

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

- a. I attended Library Legislative Day on Tuesday, February 7 and met with Sen. Steve Nass regarding library system funding in the upcoming biennial budget.
- b. I will have attended the February 10 Alliance of Public Libraries meeting in Sussex and will report back on anything of note at the meeting.
- c. I attended the annual Cities and Villages Mutual Insurance Company work plan meeting with the rest of the City department heads on Wednesday, February 1.
- d. I will have attended the monthly Whitewater Leads board meeting on Wednesday, February 8. I will be presenting a proposal for the group to fund the book purchases for the teen/tween subscription bag program for those interested kids who don't have library cards.



**VIII. PROFESSIONAL DEVELOPMENT**

- a. I attended seven hour-long webinars of the Wild Wisconsin Winter Web Conference on January 25 and 26.

**IX. STRATEGIC PLAN**

- a. This is on the agenda.

**X. CAPITAL CAMPAIGN**

- a. 100 Extraordinary Women will have met on Wednesday, February 8 and the Leadership Committee will have met on Thursday, February 9. If there is anything of note to report on, I will do so at the meeting.

## **Adult Services Report February 2023**

### **Report:**

To date we have had two people check out a Wisconsin State Park Pass.

February is Library Lovers Month and I created a book display to highlight this event, and purchased heart shaped suckers for patrons to take with them. Sarah made buttons for staff to wear this month.

### **Collection Development:**

The adult Spanish materials, including informational pamphlets, have all been moved to the Young Adult area. It is so nice to have all of the Spanish materials together in an area with decent lighting.

A special book display was assembled on the Information Desk in honor of Martin Luther King, Jr. Day.

I assembled four book displays for adults for the month of February.

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

### **Strategic Goals:**

During the 2023 year I will be sharing social media posts from vetted community organizations on our Facebook page.

I created a HappyLight station for patrons to use while in the library.

### **Virtual Meetings/Webinars/Training Sessions Attended:**

January 11: Staff meeting with Stacey and Deana

January 18: Staff meeting with Stacey, Deana, and Sarah

January 18: Library Board Meeting

January 23: Infosec training: Phishing

January 25: Staff meeting with Stacey, Deana, and Sarah

February 1: Staff meeting with Stacey and Sarah

February 8: Staff meeting with Stacey, Deana, and Sarah

## **Youth Educational Services Report February 2023**

### **Upcoming Programs**

February 28<sup>th</sup>: Homeschool Hangout “The Wonder of Physics”.

March 24<sup>th</sup>: Homeschool Hangout Geology presentation by UW-Whitewater Professor Juk Bhattacharrya.

### **Current Projects**

- Weeding in preparation for RFID tagging.
- Seeking input from other libraries about creating Tween collections.
- Summer Reading Program.

### **Completed Projects**

- Previously uncategorized Celebrations books have been categorized and the section has been reorganized alphabetically by celebration. New spine stickers and shelf labels were created.
- All Spanish language materials have been relocated to a visible shelving section in the Young Adult Department, with the exception of the adult Spanish DVDs. This area allows for easy access to children’s, teens, and adult materials, has better lighting, and is overall more inviting.
- The Penworthy STEAM to Go Kits purchased at the end of last year have been cataloged.

### **YAAASSS Bags**

- There were seven requests for February.

### **Scavenger Hunt**

- 48 people participated in the January scavenger hunt.

### **Meetings and Trainings**

January 18<sup>th</sup>: Staff meeting with Diane, Stacey, and Sarah.

January 24<sup>th</sup>: All staff meeting.

January 26<sup>th</sup>: Staff meeting with Diane, Stacey, and Sarah.

## Programming & Makerspace Librarian Report

Sarah French

February 2023

### Programs:

- 1/17: Beaded snowflake take & make craft for kids (57)
- 1/18: Storytime (33)
- 1/19: Maker Club: Perler Beads (22)
- 1/20: Homeschool Hangout (21)
- 1/23: Mindful Mondays Book Club (35)
- 1/24: Local Landmarks at Risk (48)
- 1/25: Storytime (24)
- 1/27: For Teens: Totes & Notes (5)
- 1/31: Dungeons & Dragons (15)
- 2/1: Storytime (25)
- 2/2: Valentine Owl take & make for kids (60)
- 2/6: Spice of the Month take & make for adults (60)

### Upcoming Programs:

- 2/8: Storytime
- 2/9: Maker Club: Valentines
- 2/14: For Teens: Dancing & Donuts
- 2/15: Storytime
- 2/16: Little Makers
- 2/21: Dungeons & Dragons
- 2/22: Storytime
- 2/24: LEGO and a Movie
- 2/27: Mindful Mondays Book Club
- 2/28: Author visit with Joshua Kapfer
- 3/1: Storytime
- 3/6: Spice of the Month Club
- 3/7: For Teens: LGBTQ+ Movie Night
- 3/8: Storytime
- 3/14: Pi and Pie family night

### Makerspace Use:

- 1/10: 3D Printer
- 1/18: Craft supplies
- 1/18: Yarn
- 1/19: Craft supplies
- 1/20: Polymer clay
- 1/21: Valentines
- 1/21: Craft supplies
- 1/23: Valentines
- 1/23: Valentines
- 1/25: Craft supplies
- 1/25: Craft supplies
- 1/26: Craft supplies
- 1/26: VHS to digital
- 1/27: VHS to digital
- 2/1: Craft supplies
- 2/1: Craft supplies
- 2/1: Craft supplies
- 2/2: Craft supplies
- 2/2: Valentines
- 2/2: VHS to digital
- 2/3: Craft supplies
- 2/4: Valentines
- 2/4: Valentines
- 2/4: VHS to digital
- 2/5: VHS to digital
- 2/5: Craft supplies
- 2/6: VHS to digital

Makerspace Training Appointments: 3 hours

Equipment & Technology:

- 3D printer, Cricut machine, scanner, and digital creation software have not been available for several weeks due to technical issues. Both of the Makerspace laptops are down, and IT has not been able to put the software on a public laptop. We may need to purchase a new laptop for the Makerspace. I have several people waiting to use the 3D printer and the Cricut machine.

Donations: Yarn from patron

Other Updates:

- 1/19: Radio interview with Andrea from WCLO about the Itty-Bitty Art Show
- I had 85 participants pick up a canvas for the Itty-Bitty Art Show, which will be in the large display case during the month of March.
- Small display case for February: Black History Month featuring the topic of Black Resistance in Public Libraries and the history of library segregation. Thanks to Stacy for the idea.
- Large display case for February: Jessica S. (staff) brought in her Beatles collection and we created an “All You Need is Love – and a Library” display.
- Connected with a group working on “pride planning” throughout the community to support LGBTQIA+ folks. I will be attending their meetings and offering library collaboration.

Meetings:

- 1/18: Staff meeting
- 1/24: All staff meeting
- 1/24: ALSC PSR Committee
- 1/26: Staff meeting
- 1/30: WLA Intellectual Freedom SIG
- 2/1: Staff meeting
- 2/2: Toured Wisconsin Makers with Chris Spangler

Professional Development:

- Infosec phishing course
- Wild WI Winter Web Conference sessions:
  - *A Sustainable Approach – Following the Lead of the Community*

- *No More Neutral: How to Use Marketing to Position Your Library in Challenging Times*
- *The “Marketing Funnel” Approach to Customer Engagement*



**Parks and Recreation Board Minutes**  
**Wednesday, January 18, 2023 - 5:30 pm**  
Hybrid Meeting

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

Kathleen Flemming, Dan Fuller, Mike Kilar, Carol McCormick, Megan Matthews (arrived 5:57 pm), Steve Ryan, Ben Prather (arrived 5:57 pm), Korie Oberlie absent: Jen Kaina, Deb Weberpal  
Staff: Eric Boettcher, Michelle Dujardin, Jennifer French, and Lorelei Bowen  
Guests: Beverly Stone, Dave Stone

**2. Approval of Minutes**

Motioned by Steve Ryan. Second by Korie Oberlie. Ayes: Kathleen Flemming, Dan Fuller, Mike Kilar, Carol McCormick, Steve Ryan, Korie Oberlie

**3. Consent Agenda**

**4. Hearing of Citizens comments**

**5. Staff reports**

**5.a. Directors Report-Lakes Lakes Management, Facilities, and Staff Updates Eric Boettcher**

Lake winter burn on hold until winter of 2023/2024. Ice is needed to do this. Looking into other vegetation management options for this coming year.

City Council approved to 5-person council to work with the school district on a new building agreement for the Aquatic Center. This will hold 2 council members as well as 3 city employees John Wiedel, Eric Boettcher, and Steve Hatton

New Athletic Coordinator, Hunter Kurnitz, will start January 30<sup>th</sup>. Hunter has experience with tournaments and sports and has worked at a YMCA.

**5b. Program Staff Report**

5c. Michelle Dujardin: Gymnastics is back and filled up quickly. City guide is both online and a paper version. Sled Shed is restocked in hopes for snow. National Squirrel day is January 21<sup>st</sup>, Stevie search will have more prizes. Looking to see what the community wants for summer entertainment

5d. Lorelei Bowen: Bingo promotion for fitness classes, if they win the get a goodie bag of WAFC swag and day passes. In February they will do bring a friend day, if you have a membership you can get a free day pass. Swim lessons to start up on different days. First half of 24-hour access is installed.

5e. Jennifer French: Tropical party at the Aquatic center coming up as well as women's day/ cabin fever at the senior center

**6. Considerations**

**6.a Discussion on Request to Sell Park Land to Neighboring Resident.**

Boettcher: There is a community member that is looking to purchase the plot of park land next to theirs on the South end of Coburn Lane. The city has not sold park land in the past.

Discussion:

Dan Fuller -why would we sell if we can use it in the future  
Steve Ryan- Could this be public lake access at some point?  
Boettcher- very possible to be used for the whole community at some point.

Motion made to Deny the sale of the land by Mike Kilar. Seconded by Dan Fuller  
Ayes: Kathleen Flemming, Dan Fuller, Mike Kilar, Carol McCormick, Steve Ryan  
Korie Oberlie. Noes: none Absent: Jen Kaina, Megan Matthews, Ben Prather, Deb Weberpal

#### 6B Effigy Mounds and Vibrant Spaces Grant Updates

Boettcher: City is going toward a grant to match the \$25,000 dollars that the city gave to the Effigy Mounds. This grant will make more of a welcoming and educational entrance. They are looking to make it more obvious location on where the mounds are. There has been an approval of an 8ft path of Lime Stone up to the entry of the mounds. There is another plan for a burn this spring.

Oberlie: This grant is focused on creating spaces into a more beautiful welcoming space.  
Motion to approve applying for the grant was made by Ben Prather. Second by Korie Oberlie. Ayes: Kathleen Flemming, Dan Fuller, Mike Kilar, Carol McCormick, Megan Matthews, Steve Ryan, Ben Prather, Korie Oberlie. Noes: none Absent: Jen Kaina, Deb Weberpal

#### 7. Future Agenda Items

#### 8. Adjournment

Motion by Steve Ryan to adjourn at 6:00 pm. Second by Oberlie. Ayes: Kathleen Flemming, Dan Fuller, Mike Kilar, McCormick Carol, Megan Matthews, Steve Ryan, Ben Prather, Korie Oberlie Noes: None.  
Abstain: Deb Weberpal

Next scheduled meeting: Wednesday, February 15, 2023

Respectfully submitted,

*Jennifer French*  
Jennifer French



## **City of Whitewater Urban Forestry Commission**

### **February 27, 2023 Meeting Minutes**

**Community Room - 1st Floor - 4:30 p.m. and Virtual**

**312 W. Whitewater St., Whitewater, WI 53190**

**Call to Order:** 4:26 pm by chair Stanek

**Roll Call:** Leaver, McCormick, Neis, Oberle, Stanek, Taylor, Chandler, Neumeister  
Absent: Alt. Also present: Barry Rosenberg; Chris Bennett, Neighborhood Services Director, City of Whitewater.

**Hearing of Citizens Comments:** None.

**Approval of Agenda:** Motion to approve McCormick. 2nd Taylor. Unanimous approval.

**Approval of January 23, 2023 Meeting Minutes:** Motion to approve McCormick. 2nd Oberle. Unanimous approval.

**Treasurer's Report:** (Leaver): No activity since last report. Account balance: \$1,049.

**Staff Report:** (Neumeister): The city continues with tree removals and trimming projects on the terraces. The bucket truck is still out of service and the city is not sure when it will return to service. Any major tree work will happen when it is. In the meantime, the city is working on small tree trimming that can be accomplished from the ground.

Stump grinding is progressing on terraces, and as the frost melts work in the parks will pick up.

Tree order is in for two street reconstruction projects (E Main St & Yoder Ln) as well as our city planting for a total of 97 trees. Additionally, the city has ordered 200 free 2–3-year-old saplings 12-18 inches not including roots. These saplings are individually packed to hand out at the tree sale and possibly to school children.

**Arboretum Update:** Tree Inventory (Stanek): Andy Beckman and Jacob Mass are locating trees using Wisconsin Community Tree Map and then identifying and measuring them to enter information for mapping. Additional information will be included in QR codes for signs that will be accessible on smart phones and computer. Barry

Rosenberg will lead the mapping team with Stanek a part. Using Google maps will be a problem once the trees leaf out. GIS mapping software may be required and Neumeister will investigate. Barry is also willing to create tree tags for self-guiding arb tour. A big thank you to Barry.

Barry wrote a beautiful piece entitled *Hiding in Plain Sight – The Arboretum at Starin Park* that appeared in the *Banner* on February 3. <https://whitewaterbanner.com/hiding-in-plain-sight-the-arboretum-at-starin-park/>

Arbkeepers (Neis): Maintaining the AASP will require a lot of work and more resources than the UFC can offer. Therefore, we need to narrow the scope of UFC's participation to tree sales and developing and running the education programs. Instead, it is essential to form a dedicated group of Arbkeepers to maintain and operate the AASP.

Generac Welcome Pavilion: A UFC subcommittee consisting of Stanek, Neis, and Alt was formed and met with Eric Boettcher to discuss signage for the pavilion. It was agreed that signs describing the arb, an arb map, interpretation and education are needed. Alt gave a PowerPoint presentation of various options. Neis requests volunteers to help develop these signs. Middle school Chris Fountain is excited to help with associate principal Ben Holzem.

Recognition: Nick Alt was recognized for his expertise and extraordinary efforts. It was agreed that a city proclamation be offered to the city council and that Nick's name be included in a plaque at the pavilion.

**Fundraising for 2023:** Neis created and circulated a list of businesses to approach for donations, e.g., Kwik Trip, Dollar General, Walmart, etc. It was agreed that an itemized list of arb needs should first be created so contributors would know what their donations would go towards. It was questioned whether the UFC has the authority to raise funds as it may be outside its scope. UFC members have raised the funds used for the Arboretum up to this point. It was suggested that a "Friends of the Arboretum" Group be formed to raise funds.

**Dollar General Landscape Site Plan Review and Discussion:** Landscape architects for Dollar General appeared remotely to discuss their choice of plantings at the new DG location. Alt prepared a list of plantings indicated by DG and an excellent list of possible replacements to reflect the native species. DG seemed receptive to making these changes and the list was provided to them for inclusion in a revised site plan.

**Tree City:** Tree Benefit Calculator (Stanek) to help people understand the benefits of trees will be discussed at the next meeting.

**Bird City/Bird Talk:** (Stanek) Everything is in order for the Bird City designation for 2023. (Chandler) Covers for the Purple Martin Houses can be taken off anytime in March. A technique has been developed to block sparrow habitation in the houses by repurposing of styrofoam pool noodles and these will be installed. The private martin houses in the city will be checked by Chandler.

**Items For Future Discussion:** Tree benefit calculator.

**Adjournment:** Motion by McCormick. 2nd Stanek. Unanimous approval at 5:55 pm.

**Next Meeting:** March 27, 2023

Respectfully Submitted,

Patrick Taylor

Secretary, UFC

## City of Whitewater Memorandum

**To:** City of Whitewater Common Council

**From:** Assistant City Attorney Jonathan K. McDonell

**Date:** March 27, 2023

**Re:** In re: Amendment to Whitewater ordinance section 1.21.010 regarding bond amounts for violations of Chapter 11.45 the ATV/UTV ordinance.

---

### Discussion:

The Council recently adopted an ATV/UTV ordinance and an amendment to section 1.21.010 establishing bond amounts for penalties for violations of the ordinance. After further review, staff is recommending an amendment to the bond ordinance which will establish different bond amounts for various violations of the ATV/UTV ordinance depending on the severity of the violation. I have attached the proposed ordinance amendment as well as copies from the State of Wisconsin Revised Uniform State Traffic Deposit Schedule which sets out the bond amounts for various violations of the ordinance. I will be available to answer questions in regard to this at the Council meeting scheduled for April 6, 2023.

**STATE OF WISCONSIN**

**Revised Uniform State Traffic Deposit Schedule**

**and**

**Alcohol Beverages, Harassment, Safety, Tobacco,  
UW Rule, and Drug Paraphernalia Violations  
Deposit Schedule**

**and**

**Uniform Misdemeanor Bail Schedule**

**and**

**Trespass to Land Deposit Schedule**

**2023**

Revised deposit schedules established pursuant to  
sections 345.26 (2)(a), 778.25 (3), 778.26 (3), and 969.065, Wis. Stats.  
Adopted by the Wisconsin Judicial Conference

## Abbreviation Guide

|           |   |                                                                                                           |
|-----------|---|-----------------------------------------------------------------------------------------------------------|
| DEP       | = | Deposit                                                                                                   |
| PS        | = | Penalty Surcharge (26% of deposit)                                                                        |
| JS/CLDS   | = | Jail Surcharge/Crime Lab Drug Surcharge                                                                   |
| JISS/CSSS | = | Justice Information System Surcharge/Court Support Services Surcharge (not applicable in municipal court) |
| CC        | = | Circuit Court Costs                                                                                       |
| DP        | = | Demerit Points                                                                                            |
| EPAMD     | = | Electric Personal Assistance Mobility Device                                                              |
| FYR       | = | Failure to Yield Right-of-Way                                                                             |
| GLIFWC    | = | Great Lakes Indian Fish and Wildlife Commission                                                           |
| PDD       | = | Personal Delivery Devices                                                                                 |
| OHM       | = | Off-Highway Motorcycles                                                                                   |

The statute numbers listed in this booklet are intended to be a guide. A complete list of statute numbers, charge codes, and demerit points can be found at: [wisconsindot.gov/Documents/dmv/shared/bds109.pdf](http://wisconsindot.gov/Documents/dmv/shared/bds109.pdf).

The Wisconsin Judicial Conference is charged with the responsibility to annually review this schedule. Any suggestions for change, correction or modification should be addressed to the Wisconsin Judicial Conference, c/o Director of State Courts Office, P.O. Box 1688, State Capitol, Madison, Wisconsin 53701-1688.

This information will be made available in an alternative format upon request. A copy of this schedule can be found at [www.wicourts.gov/publications/fees/index.htm](http://www.wicourts.gov/publications/fees/index.htm).

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## Preface

This deposit schedule was adopted by the Wisconsin Judicial Conference pursuant to authority contained in Section 345.26(2)(a), Wisconsin Statutes. This schedule is divided into two sections: Section I – Deposit Schedule for Forfeiture Actions and Section II – Bond Schedule for Criminal Actions.

Violations listed in Section II of the schedule must be brought in the name of the State of Wisconsin and treated for all purposes as any other criminal matter.

Where no bond or deposit is established by this schedule for a traffic violation, bond should be set at one-half of the maximum monetary penalty provided by law.

In a forfeiture matter, if a penalty is not set forth, see Section 939.61(1), Wisconsin Statutes, which provides a forfeiture not to exceed \$200.

In a criminal matter, if a penalty is not set forth, see Section 939.61(2), Wisconsin Statutes, which provides a penalty of \$0-\$500 and/or up to 30 days where no other penalty is provided.

This version of the schedule contains demerit point assignments for certain traffic offenses. In situations where no demerit points are assessed and there is a question whether a conviction for a certain violation will appear on the driver record, the Department of Transportation should be contacted for verification. Persons who hold a probationary license, instruction permit, or no license at all, will be assessed the regular number of demerit points for their first conviction. Points will be doubled for second and subsequent convictions except for convictions under Chapter 347.

A complete list of statute numbers, charge codes, and demerit points can be found at: [wisconsindot.gov/Documents/dmv/shared/bds109.pdf](http://wisconsindot.gov/Documents/dmv/shared/bds109.pdf).

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## SECTION I Uniform Wisconsin Schedule for Deposit or Cash Bail Traffic Offenses

(Costs additional – where applicable)

Minimum and maximum penalties for each offense are indicated in parentheses. All offenses designated in Section II as crimes are misdemeanors with imprisonment in the county jail unless indicated as a felony offense.

For violations of Chapter 23, All-Terrain Vehicles, and of Chapter 350, Snowmobile Violations, by juveniles 14 or 15 years of age, the total deposit amount shall consist of the deposit plus court costs. No surcharges are to be added. Juveniles 16 or 17 years of age are treated as adults for all-terrain vehicle and snowmobile violations.

### Section I: Deposit Schedule – Forfeiture Actions

|                                                                                                                   |                                                                                                                                           | DEP    | PS    | JS/<br>CLDS | JISS/<br>CSSS <sup>b</sup> | CC    | Total <sup>a</sup> | DP |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|-------------|----------------------------|-------|--------------------|----|
| <b>CHAPTER 23 - ALL-TERRAIN VEHICLES (ATV), UTILITY TERRAIN VEHICLES (UTV) AND OFF-HIGHWAY MOTORCYCLES (OHM):</b> |                                                                                                                                           |        |       |             |                            |       |                    |    |
| 23.119 (2), (3)                                                                                                   | Operate OHM on private property w/o owners consent or on public property where prohibited (0-250)                                         | 100.00 | 26.00 | 23.00       | 89.50                      | 25.00 | 263.50             |    |
| 23.33 (1m)(c)                                                                                                     | Operate a UTV on an ATV route, trail or corridor not designated as open for operation of UTV's (0-250)                                    | 10.00  | 2.60  | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33 (2)(a)                                                                                                      | Operate ATV or UTV w/o valid registration (0-250)                                                                                         | 50.00  | 13.00 | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33 (2)(a)                                                                                                      | Give permission to operate ATV or UTV w/o valid registration (0-250)                                                                      | 50.00  | 13.00 | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33 (2)(c)2                                                                                                     | Fail to attach or maintain ATV or UTV registration plate to rear of vehicle in a legible condition (0-250)                                | 10.00  | 2.60  | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33 (2)(c)2                                                                                                     | Fail to affix public use registration decals to each side of an ATV or UTV in a clearly visible location forward of the operator (0-250)  | 10.00  | 2.60  | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33 (2)(d)                                                                                                      | Fail to affix private use registration decals to each side of an ATV or UTV in a clearly visible location forward of the operator (0-250) | 10.00  | 2.60  | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33(2)(dg)1                                                                                                     | Fail to exhibit valid proof of ATV/UTV registration to law enforcement officer (0-250)                                                    | 20.00  | 5.20  | 23.00       | 89.50                      | 25.00 | 162.70             |    |

<sup>a</sup> Municipal court cost totals are provided at the back of the book.

<sup>b</sup> An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

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# Section I

|                 |                                                                                                                                                                     | DEP    | PS    | JS/<br>CLDS | JISS/<br>CSSS <sup>b</sup> | CC    | Total <sup>a</sup> | DP |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|-------------|----------------------------|-------|--------------------|----|
| 23.33 (2j)(b)   | Operate ATV or UTV on ATV Trail w/o ATV Trail Pass (0-250)                                                                                                          | 50.00  | 13.00 | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33 (2m)(a-c) | Unlawful rental of ATV or UTV (0-250)                                                                                                                               | 25.00  | 6.50  | 23.00       | 89.50                      | 25.00 | 169.00             |    |
| 23.33 (3)(a)    | Operate ATV or UTV in a careless manner (0-250)                                                                                                                     | 50.00  | 13.00 | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33 (3)(c)    | Operate ATV or UTV on the private property of another w/o consent (0-250)                                                                                           | 100.00 | 26.00 | 23.00       | 89.50                      | 25.00 | 263.50             |    |
| 23.33 (3)(cm)   | Operate ATV or UTV on public property posted closed or where otherwise prohibited by law (0-250)                                                                    | 50.00  | 13.00 | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33 (3)(d)    | Operate ATV or UTV on Indian lands w/o consent (0-250)                                                                                                              | 30.00  | 7.80  | 23.00       | 89.50                      | 25.00 | 175.30             |    |
| 23.33 (3)(eg)   | Operate an ATV or UTV while in possession of a loaded or a cocked crossbow (0-250)                                                                                  | 60.00  | 15.60 | 23.00       | 89.50                      | 25.00 | 213.10             |    |
| 23.33 (3)(em)   | Operate an ATV or UTV w/ a passenger riding in or on any part not designed or intended to be used by passengers (0-250)                                             | 25.00  | 6.50  | 23.00       | 89.50                      | 25.00 | 169.00             |    |
| 23.33 (3)(er)   | Operate an ATV or UTV while in possession of a bow w/ an arrow nocked (0-250)                                                                                       | 60.00  | 15.60 | 23.00       | 89.50                      | 25.00 | 213.10             |    |
| 23.33 (3)(f)    | Operate ATV or UTV to drive or pursue any animal (0-250)                                                                                                            | 100.00 | 26.00 | 23.00       | 89.50                      | 25.00 | 263.50             |    |
| 23.33 (3)(g)    | Operate ATV or UTV w/in 150 feet of a dwelling at a speed exceeding 10 miles per hour when not on a roadway designated as a route (0-250)                           | 30.00  | 7.80  | 23.00       | 89.50                      | 25.00 | 175.30             |    |
| 23.33 (3)(gm)   | Operate ATV or UTV on frozen surface of public waters or on ATV trail within 100' of another person not operating a vehicle, at a speed exceeding 10 miles per hour | 30.00  | 7.80  | 23.00       | 89.50                      | 25.00 | 175.30             |    |

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a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

|                  |                                                                                                                                      | DEP    | PS     | JS/<br>CLDS | JISS/<br>CSSS <sup>b</sup> | CC    | Total <sup>a</sup> | DP |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------|--------|-------------|----------------------------|-------|--------------------|----|
| 23.33 (3)(h)     | Operate ATV or UTV on frozen surface of public waters within 100' of a fishing shanty at a speed exceeding 10 miles per hour (0-250) | 40.00  | 10.40  | 23.00       | 89.50                      | 25.00 | 187.90             |    |
| 23.33 (3)(hg)    | Operate ATV or UTV on or adjacent to roadway w/ snow removal device attached at speed > 15 mph (0-250)                               | 30.00  | 7.80   | 23.00       | 89.50                      | 25.00 | 175.30             |    |
| 23.33 (3)(hr)    | Operate ATV or UTV on sidewalk or driveway w/ snow removal device attached at speed > 5 mph (0-250)                                  | 10.00  | 2.60   | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33 (3c)(a)    | Operate ATV or UTV w/ loaded firearm, other than a handgun (0-250)                                                                   | 60.00  | 15.60  | 23.00       | 89.50                      | 25.00 | 213.10             |    |
| 23.33 (3g)       | Operate/ride an ATV or UTV w/o headgear - applies only to persons under 18 yrs. of age (0-250)                                       | 10.00  | 2.60   | 23.00       | 89.50                      | 25.00 | 150.10             |    |
| 23.33 (4)(a)-(e) | Illegal operation of ATV or UTV on or in the vicinity of highways (0-250)                                                            | 50.00  | 13.00  | 23.00       | 89.50                      | 25.00 | 200.50             |    |
| 23.33(4c)(a)1    | Operate ATV or UTV while intoxicated - 1st offense (150-300)                                                                         | 250.00 | 65.00  | 23.00       | 89.50                      | 25.00 | 452.50             |    |
|                  | <b>If passenger under 16 years of age on ATV or UTV (300-600)</b>                                                                    | 500.00 | 130.00 | 23.00       | 89.50                      | 25.00 | 767.50             |    |
|                  | (Prior violations of, or local ordinances in conformity therewith, see Section II).                                                  |        |        |             |                            |       |                    |    |
| 23.33(4c)(a)2    | Operate ATV or UTV w/ PAC of .08 or more (150-300)                                                                                   | 250.00 | 65.00  | 23.00       | 89.50                      | 25.00 | 452.50             |    |
|                  | <b>If passenger under 16 years of age on ATV or UTV (300-600)</b>                                                                    | 500.00 | 130.00 | 23.00       | 89.50                      | 25.00 | 767.50             |    |
| 23.33(4c)(a)2m   | Operate ATV or UTV w/ detectable amount of controlled substance - 1st offense (150-300)                                              | 250.00 | 65.00  | 23.00       | 89.50                      | 25.00 | 452.50             |    |
| 23.33 (4c)(a)3   | Absolute sobriety violations by persons under 21 yrs. of age (0-50)                                                                  | 50.00  | 13.00  | 23.00       | 89.50                      | 25.00 | 200.50             |    |

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a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.



# Section I

|                      |                                                                                                                 | <u>DEP</u>    | <u>PS</u>     | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u>    | <u>Total<sup>a</sup></u> | <u>DP</u> |
|----------------------|-----------------------------------------------------------------------------------------------------------------|---------------|---------------|---------------------|-----------------------------------|--------------|--------------------------|-----------|
| 23.33 (4p)(e)        | Refuse to take test, intoxicated operation of ATV or UTV - 1st offense (150-300)                                | 250.00        | 65.00         | 23.00               | 89.50                             | 25.00        | 452.50                   |           |
|                      | If under 19 yrs. of age (0-50)                                                                                  | 50.00         | 13.00         | 23.00               | 89.50                             | 25.00        | 200.50                   |           |
|                      | <b>If passenger under 16 years of age on ATV or UTV (300-600)</b>                                               | <b>500.00</b> | <b>130.00</b> | <b>23.00</b>        | <b>89.50</b>                      | <b>25.00</b> | <b>767.50</b>            |           |
|                      | (Prior violations of, or local ordinances in conformity therewith, see Section II).                             |               |               |                     |                                   |              |                          |           |
| 23.33 (5)(a)         | Permit underaged operation of ATV as party to violation of 23.99(1) (0-250)                                     | 20.00         | 5.20          | 23.00               | 89.50                             | 25.00        | 162.70                   |           |
| 23.33 (5)(a) 4. & 5. | Operate ATV on roadway by person under the age of 16 (0-250)                                                    | 20.00         | 5.20          | 23.00               | 89.50                             | 25.00        | 162.70                   |           |
| 23.33 (5)(am)1       | Operate UTV under the age of 16 (0-250)                                                                         | 10.00         | 2.60          | 23.00               | 89.50                             | 25.00        | 150.10                   |           |
| 23.33(5)(b)          | Operate ATV or UTV w/o a valid safety certificate or fail to carry certificate and display upon request (0-250) | 20.00         | 5.20          | 23.00               | 89.50                             | 25.00        | 162.70                   |           |
| 23.33 (5)(b)1m       | Operate UTV w/o a valid safety certificate (0-250)                                                              | 20.00         | 5.20          | 23.00               | 89.50                             | 25.00        | 162.70                   |           |
| 23.33 (5)(b)2        | Fail to carry valid safety certificate when operating an ATV or UTV and display upon request                    | 10.00         | 2.60          | 23.00               | 89.50                             | 25.00        | 150.10                   |           |
| 23.33(6)(a-h)        | Equipment violations (0-250)                                                                                    | 30.00         | 7.80          | 23.00               | 89.50                             | 25.00        | 175.30                   |           |
| 23.33(6m)            | Operate, sell, rent or manufacture an ATV or UTV exceeding the 96 decibel noise limit (0-250)                   | 30.00         | 7.80          | 23.00               | 89.50                             | 25.00        | 175.30                   |           |
| 23.33 (6)(i)         | Operate UTV w/o passengers wearing safety belts (0-250)                                                         | 10.00         | 2.60          | 23.00               | 89.50                             | 25.00        | 150.10                   |           |
| 23.33 (6r)           | Ride in or on any part of an ATV or UTV not designed or intended to be used by passengers (0-250)               | 10.00         | 2.60          | 23.00               | 89.50                             | 25.00        | 150.10                   |           |
| 23.33 (7)(a)         | Fail to report ATV or UTV accident (0-250)                                                                      | 40.00         | 10.40         | 23.00               | 89.50                             | 25.00        | 187.90                   |           |
| 23.33 (12)(b)        | Failure to stop for law enforcement officer or GLIFWC warden (0-250)                                            | 240.00        | 62.40         | 23.00               | 89.50                             | 25.00        | 439.90                   |           |

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a Municipal court cost totals are provided at the back of the book.

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|                |                                                                                                                                                            | <u>DEP</u> | <u>PS</u> | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u> | <u>Total<sup>a</sup></u> | <u>DP</u> |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|---------------------|-----------------------------------|-----------|--------------------------|-----------|
| 23.335(5m)(a)1 | Make a false OHM registration statement (0-250)                                                                                                            | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(5m)(a)2 | Alter, remove or change OHM serial number (0-250)                                                                                                          | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(5m)(a)3 | Alter, remove or change OHM vehicle ID number (0-250)                                                                                                      | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(5m)(b)1 | Manufacture a false OHM vehicle ID number tag (0-250)                                                                                                      | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(5m)(b)2 | Place false vehicle ID number tag on OHM (0-250)                                                                                                           | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(6)(am)  | Operate OHM on OHM corridor w/o required trail pass that is permanently affixed and clearly visible or valid proof of temporary trail use receipt (0-1000) | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(7)(a)1  | Rent/lease limited use OHM w/o providing required instruction (0-250)                                                                                      | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(7)(a)2  | Rent/lease limited use OHM to person under 12 years of age (0-250)                                                                                         | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(7)(a)3  | Rent/lease limited use OHM w/o ascertaining if rider under age of 18 has required protective headgear (0-250)                                              | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(8)(a)   | Operate OHM on OHM corridor (or be passenger) w/o wearing required protective headgear (0-250)                                                             | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(8)(b)   | Operate OHM on OHM route/highway (or be passenger) w/out wearing required protective headgear (0-250)                                                      | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(8)(c)   | Operate OHM on OHM corridor/route (or be passenger) w/out wearing required protective eyegear (0-250)                                                      | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(9)(a)1  | Operate OHM in a careless manner (0-250)                                                                                                                   | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |

a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

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# Section I

|                 |                                                                                                                                                        | <u>DEP</u> | <u>PS</u> | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u> | <u>Total<sup>a</sup></u> | <u>DP</u> |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|---------------------|-----------------------------------|-----------|--------------------------|-----------|
| 23.335(9)(a)2   | Operate OHM at unreasonable speed (0-250)                                                                                                              | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(9)(a)3   | Operate OHM on private property w/o consent (0-250)                                                                                                    | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(9)(a)4   | Operate OHM on public property posted closed or where prohibited by law (0-250)                                                                        | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(9)(a)5   | Operate OHM on Indian lands w/o consent (0-250)                                                                                                        | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(9)(a)6   | Operate OHM w/in 100 feet of a fishing shanty at speed exceeding 10 mph (0-250)                                                                        | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(9)(a)7   | Operate OHM w/in 150 feet of a dwelling at speed exceeding 10 mph (0-250)                                                                              | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(9)(a)8   | Operate OHM on frozen waters or OHM trail w/in 100 feet of a another person not operating a vehicle w/o yielding, or at speed exceeding 10 mph (0-250) | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(9)(a)9   | Operate OHM to drive/pursue any animal (0-250)                                                                                                         | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(10)(a)   | Unauthorized operation of limited use OHM on roadway (0-250)                                                                                           | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(10)(c)   | Unauthorized operation of limited use OHM on freeway (0-250)                                                                                           | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(12)(a)1  | Operate OHM while under the influence of an intoxicant (150-300)                                                                                       | 250.00     | 65.00     | 23.00               | 89.50                             | 25.00     | 452.50                   |           |
| 23.335(12)(a)2  | Operate OHM w/ an alcohol concentration of 0.08 or more (150-300)                                                                                      | 250.00     | 65.00     | 23.00               | 89.50                             | 25.00     | 452.50                   |           |
| 23.335(12)(a)2m | Operate OHM w/ a detectable amount of a restricted controlled substance in blood (150-300)                                                             | 250.00     | 65.00     | 23.00               | 89.50                             | 25.00     | 452.50                   |           |
| 23.335(12)(a)3  | Operate OHM prior to age 21 w/ an alcohol concentration of more than 0.0 but not more than 0.08 (0-50)                                                 | 50.00      | 13.00     | 23.00               | 89.50                             | 25.00     | 200.50                   |           |

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|                |                                                                                                                                                       | <u>DEP</u> | <u>PS</u> | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u> | <u>Total<sup>a</sup></u> | <u>DP</u> |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|---------------------|-----------------------------------|-----------|--------------------------|-----------|
| 23.335(12)(h)  | OHM intoxicated operation refusal to provide required sample/submit to chemical tests (150-300)                                                       | 250.00     | 65.00     | 23.00               | 89.50                             | 25.00     | 452.50                   |           |
| 23.335(12)(h)  | OHM intoxicated operation refusal to provide required sample/submit to chemical tests, prior to age 21 (0-50)                                         | 50.00      | 13.00     | 23.00               | 89.50                             | 25.00     | 200.50                   |           |
| 23.335(13)(a)  | Unauthorized operation of OHM by person under 12 years of age (0-250)                                                                                 | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(13)(b)  | Operate OHM w/o required safety certificate (0-250)                                                                                                   | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(13)(bg) | Fail to carry or exhibit valid proof of safety certificate when operating OHM (0-250)                                                                 | 20.00      | 5.20      | 23.00               | 89.50                             | 25.00     | 162.70                   |           |
| 23.335(17)(a)  | Operate limited use OHM during darkness w/o proper lamps (0-250)                                                                                      | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(17)(b)  | Operate limited use OHM w/o required equipment (0-250)                                                                                                | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(17)(c)  | Operate limited use OHM constructed in a manner that emitted noise exceeds 96 decibels (0-250)                                                        | 75.00      | 19.50     | 23.00               | 89.50                             | 25.00     | 232.00                   |           |
| 23.335(18)(a)  | Fail to report OHM accident (0-250)                                                                                                                   | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(19)(f)1 | Intentionally remove, damage, or interfere w/ lawfully placed OHM route/trail sign or standard (0-250)                                                | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |
| 23.335(19)(f)1 | Intentionally remove, damage, or interfere w/ lawfully placed OHM route/trail sign or standard (as 3rd or greater OHM offense within 2 years) (0-500) | 250.00     | 65.00     | 23.00               | 89.50                             | 25.00     | 452.50                   |           |
| 23.335(19)(f)2 | Unauthorized possession of OHM route/trail sign or standard (0-250)                                                                                   | 125.00     | 32.50     | 23.00               | 89.50                             | 25.00     | 295.00                   |           |

a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

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# Section I

|            |           |  | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u> | <u>Total<sup>a</sup></u> | <u>DP</u> |
|------------|-----------|--|---------------------|-----------------------------------|-----------|--------------------------|-----------|
| <u>DEP</u> | <u>PS</u> |  |                     |                                   |           |                          |           |

## CHAPTER 30 - NAVIGABLE WATERS:

|             |                                                                                                                                                                     |        |       |       |       |       |        |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|-------|-------|-------|--------|
| 30.07(2)(b) | Transporting on public highway a vehicle, boat, boat trailer, equipment or gear of any type that has aquatic plants or aquatic animals attached to exterior (0-500) | 75.00  | 19.50 | 23.00 | 89.50 | 25.00 | 232.00 |
|             | 2nd or subsequent offense w/in 3 yrs. (0-2,000)                                                                                                                     | 175.00 | 45.50 | 23.00 | 89.50 | 25.00 | 358.00 |
| 30.07(6)    | Fail to comply w/ law enforcement order to not transport vehicle or equipment w/ aquatic plants or aquatic animals attached to exterior (0-500)                     | 125.00 | 32.50 | 23.00 | 89.50 | 25.00 | 295.00 |
|             | 2nd or subsequent offense w/in 3 yrs.                                                                                                                               | 225.00 | 58.50 | 23.00 | 89.50 | 25.00 | 421.00 |

## CHAPTER 66 - MUNICIPAL LAW:

|         |                                                                                                         |       |      |       |       |       |        |
|---------|---------------------------------------------------------------------------------------------------------|-------|------|-------|-------|-------|--------|
| 66.0431 | Unlocked vehicle/keys left in vehicle. Municipal ordinance violation only.<br>See ordinance for penalty | 20.00 | 5.20 | 23.00 | 89.50 | 25.00 | 162.70 |
|---------|---------------------------------------------------------------------------------------------------------|-------|------|-------|-------|-------|--------|

## CHAPTER 114 - DRONES:

|         |                                                    |        |       |       |       |       |        |
|---------|----------------------------------------------------|--------|-------|-------|-------|-------|--------|
| 114.045 | Operate drone over correctional facility (0-5,000) | 250.00 | 65.00 | 23.00 | 89.50 | 25.00 | 452.50 |
|---------|----------------------------------------------------|--------|-------|-------|-------|-------|--------|

## CHAPTER 167 - SAFEGUARDS OF PERSON AND PROPERTY:

|               |                                                                                                              |       |       |       |        |       |        |
|---------------|--------------------------------------------------------------------------------------------------------------|-------|-------|-------|--------|-------|--------|
| 167.10(3)(a)  | Illegal possession or use of fireworks (0-1,000)                                                             | 50.00 | 13.00 | 23.00 | 89.50  | 25.00 | 200.50 |
| 167.31 (2)(b) | Place, possess or transport a loaded firearm, other than a handgun, or strung bow in or on a vehicle (0-100) | 60.00 | 15.60 | 23.00 | 89.50  | 25.00 | 258.10 |
|               | (Weapons Surcharge –                                                                                         |       |       |       | 45.00) |       |        |
| 167.31 (2)(b) | Place, possess or transport a firearm, other than a handgun, bow or crossbow in or on a vehicle (0-100)      | 40.00 | 10.40 | 23.00 | 89.50  | 25.00 | 217.90 |
|               | (Weapons Surcharge –                                                                                         |       |       |       | 30.00) |       |        |

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a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

|            |           |  | <u>JS/<br/>CLDS</u> | <u>JISS/<br/>CSSS<sup>b</sup></u> | <u>CC</u> | <u>Total<sup>a</sup></u> | <u>DP</u> |
|------------|-----------|--|---------------------|-----------------------------------|-----------|--------------------------|-----------|
| <u>DEP</u> | <u>PS</u> |  |                     |                                   |           |                          |           |

|               |                                                                                                                                                   |       |       |       |        |       |        |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|-------|--------|-------|--------|
| 167.31 (2)(c) | Load a firearm, other than a handgun, or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle (0-100)      | 60.00 | 15.60 | 23.00 | 89.50  | 25.00 | 258.10 |
|               | (Weapons Surcharge –                                                                                                                              |       |       |       | 45.00) |       |        |
| 167.31 (2)(d) | Discharge a firearm or shoot a bolt or an arrow from a bow or a crossbow from or across a hwy. or w/in 50 feet of the center of a roadway (0-100) | 40.00 | 10.40 | 23.00 | 89.50  | 25.00 | 217.90 |
|               | (Weapons Surcharge –                                                                                                                              |       |       |       | 30.00) |       |        |
| 167.31(3m)    | Intentionally discharge firearm in direction of a transmission facility and cause damage (0-100)                                                  | 50.00 | 13.00 | 23.00 | 89.50  | 25.00 | 238.00 |
|               | (Weapons Surcharge -                                                                                                                              |       |       |       | 37.50) |       |        |

## CHAPTER 175 - CONCEALED CARRY

|                      |                                                              |       |       |       |       |       |        |
|----------------------|--------------------------------------------------------------|-------|-------|-------|-------|-------|--------|
| 175.60(2g)(b) or (c) | Failure to carry required license (0-25)                     | 10.00 | 2.60  | 23.00 | 89.50 | 25.00 | 150.10 |
| 175.60(11)(b)1       | Failure to notify DOJ of change of address (50)              | 50.00 | 13.00 | 23.00 | 89.50 | 25.00 | 200.50 |
|                      | NOTE: See applicable trespass to land provisions on page 12. |       |       |       |       |       |        |

## CHAPTER 194 - MOTOR VEHICLE TRANSPORTATION ACT:

|           |                                               |        |        |       |       |       |        |
|-----------|-----------------------------------------------|--------|--------|-------|-------|-------|--------|
| 194.17    | Other Common carrier violations (50-100)      | 50.00  | 13.00  | 23.00 | 89.50 | 25.00 | 200.50 |
| 194.23(1) | Operate w/o required certificates (500-5,000) | 500.00 | 130.00 | 23.00 | 89.50 | 25.00 | 767.50 |
| 194.34(1) | Operate w/o required license (500-5,000)      | 500.00 | 130.00 | 23.00 | 89.50 | 25.00 | 767.50 |
| 194.41(1) | No insurance on file (500-5,000)              | 500.00 | 130.00 | 23.00 | 89.50 | 25.00 | 767.50 |

a Municipal court cost totals are provided at the back of the book.

b An additional \$3.50 is added for violations in Milwaukee County returnable to circuit court.

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ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE AMENDING SECTION 1.21.010 SCHEDULE OF DEPOSITS TO  
PROVIDE FOR A BOND AMOUNT FOR VIOLATIONS OF CHAPTER 11.45 OPERATION  
OF ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV)

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

**SECTION 1:** Whitewater Municipal Code Section 1.21.010 is hereby amended by deleting the stated Deposits and Costs amounts for Chapter 11.45 and changing the Deposits and Costs to the below:

| <u>CHAPTER OR<br/>SECTION NUMBER</u> | <u>OFFENSE</u>                                        | <u>DEPOSITS<br/>AND COSTS</u>                                                                                            |
|--------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Chapter 11.45                        | Violation of<br>Operation of ATV<br>and UTV Ordinance | The State of Wisconsin<br>Revised Uniform State Traffic<br>Deposit Schedule as amended<br>from time to time shall apply. |

**SECTION 2:** This ordinance shall take effect upon passage and publication as provided by law.

Ordinance introduced by Councilmember \_\_\_\_\_, who moved its adoption. Seconded by Councilmember \_\_\_\_\_.

AYES:

NOES:

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

ABSENT:

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

ADOPTED:



## Council Agenda Item

Meeting Date: 4/6/23

Agenda Item: Approval of "Class A" Beer and Liquor Licenses

Staff Contact (name, email, phone): 262-473-0102 Michele Smith

### BACKGROUND

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

Late last year, the Common Council agreed to increase their quota of "Class A" Beer and liquor licenses from six to twelve. This allows licensees to sell both packaged beer and liquor. Four businesses have requested an upgrade to their licenses. All four applications were recommended for approval by the Alcohol Licensing Committee meeting.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Approve issuance of licenses to the following businesses:

- \*Whitewater Petroleum Company, Lisa Long, Agent (Five Points Mobil, 804 Walworth Ave.)
- \*Campus Quick Shop, Inc., Jason McCardle, Agent. (Tobacco Center 1134 W. Main Street)
- \*Casey's Eastsider, Anthony Wayne Hawks, Agent. (Casey's Eastsider, 650 E. Milwaukee Street);
- \*Wish Enterprises, LLC, Mohan Singh, Agent (1138 W. Main Street)

Police Department had already approved licenses to sell beer for these establishments for the 2022-2023 year. These licenses will have to be renewed for the July 1, 2023 – June 30, 2024 license period, and will go through another background check in the next month or two.

### FINANCIAL IMPACT

(If none, state N/A)

On an annual basis, City will receive an additional \$250 license fee per application.

### STAFF RECOMMENDATION

Approval of the licenses as requested.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. None.



## Council Agenda Item

Meeting Date: March 21, 2023

Agenda Item: Flexible Work Arrangements Policy Draft (Telecommuting)

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)

Since Covid, City employees have been utilizing flexible work arrangements on a case by case basis. The City Manager has been asked to draft a telecommuting policy that provides consistency, acts as a tool for employee retention and recruitment and protects the interests of the City of Whitewater.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

On January 17, 2023 a motion was made and seconded that telecommuting policy be struck down and that under extraordinary circumstances the City Manager has the ability to waive the policy on a month to month basis.

On March 3, 2023 Council asked the City Manager to develop a policy based off the City of Wauwatosa policy and bring it back for Council review.

### FINANCIAL IMPACT

(If none, state N/A)

N/A

### STAFF RECOMMENDATION

Staff recommends that the City Council review the attached policy 306.00 – Flexible Work Arrangements and approve the policy.

### ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. City of Wauwatosa – Flexibility in the Workplace Policy
2. Draft Whitewater Policy (revisions and changes highlighted in red)

# 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.

|                                                                                   |            |                                                            |                |              |   |
|-----------------------------------------------------------------------------------|------------|------------------------------------------------------------|----------------|--------------|---|
|  |            | <b>Policy #306.00</b><br><b>Flexible Work Arrangements</b> |                |              |   |
| Owner:                                                                            | HR Manager | Approving Position:                                        | Common Council | Pages:       | 3 |
| Issue Date:                                                                       |            | Revision Date:                                             |                | Review Date: |   |
| Special Instructions:                                                             |            |                                                            |                |              |   |

- I. Purpose - The City of Whitewater 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

## II. Alternate Work Arrangement Definitions

- A. Remote work: Employees working at an alternative location (most commonly from home) rather than physically traveling back and forth to a designated site.
- B. 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.
- C. Compressed Workweek: Employees work 40 hours in less than five (5) full workdays. 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.

## III. Guidelines

### A. Eligibility

1. 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.

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

#### B. Approval

1. 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.
2. 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.

#### C. Review

1. Upon approval of a flexible work arrangement, a six month trial period will apply to assess the impact and effectiveness of the arrangement.
2. After successful completion of the trial period, the work arrangement will be reviewed at least annually thereafter to ensure continued success.
3. The arrangement may be canceled for any reason by management.
4. An employee wishing to change or cancel an alternative work arrangement must obtain written approval from his or her supervisor.

#### D. Remote Work Guidelines - Expectations and Responsibilities of Employees

1. The employee is responsible for maintaining a safe and ergonomic environment during the remote work arrangement.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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-**miPay**. 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.
7. 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 Information Technology Policies and Standards**.

#### E. Equipment and Supplies

1. 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 Information Technology Policies and Standards** for more information).
2. The City will provide routine maintenance and repairs for City equipment only. The City will not provide maintenance or repairs for employee owned equipment.
3. 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.
4. Necessary office supplies should be obtained through the normal procurement process. Office furniture will not be provided to employees who telework.
5. 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.

#### F. Liability

1. 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.

2. 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.

#### G. Common Council Review

The Common Council will review this Policy one (1) year after adoption to ensure that it remains a positive arrangement for the City of Whitewater and its employees.

DRAFT



## Council Agenda Item

Meeting Date: 04/06/2023

Agenda Item: LEA Grant Purchase Request

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

### BACKGROUND

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

All law enforcement agencies in Wisconsin have been awarded grant funding through the State of Wisconsin Law Enforcement Agency (LEA) Grant. The mechanism for receiving funds is through reimbursement. Only specific purchases are permitted for reimbursement (see attachment #1). In order to be eligible, all expenditures must be incurred between March 15, 2022 and December 31, 2023. WPD's allocation is \$44,056.04, and we have \$34,700.04 still available.

At this point in time, I'm requesting approval for the following purchases:

- 1) **Air Science Ductless Fume Hood.** This piece of equipment will provide police department personnel with the ability to test drugs and powder substances in a safe manner. This is critical for officer safety due to the increasing spread of fentanyl. This will be installed in the police department evidence lab and will cost \$2,425.46. The Air Science Basic model is significantly cheaper than other models researched by the department, but will serve the purpose we require.
- 2) **Air Science Spill Tray.** Companion piece to the ductless fume hood at a cost of \$252.96.
- 3) **Filter: HEPA, Purair (2).** Companion piece to the ductless fume hood. Requirement is that the filter allows nothing larger than 1 micron to pass through the filter. Recommendation is to replace the filter once per year. Cost of two (2) filters is \$724.18.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Council previously approved utilization of the LEA Grant funds for the purchase of three (3) ballistic shields (\$2,820) and replacement badges for patrol officers (\$6,536). Those funds have subsequently been reimbursed through the grant.

### FINANCIAL IMPACT

(If none, state N/A)

The purchase of the ductless fume hood, spill tray, and two (2) filters will cost a total of \$3,402.60. This will bring our total LEA Grant allotment down to \$31,297.44.

### STAFF RECOMMENDATION

Request Council approval to submit for LEA Grant reimbursement for the fume hood, spill tray, and two (2) filters.

| ATTACHMENT(S) INCLUDED                                              |
|---------------------------------------------------------------------|
| (If none, state N/A)                                                |
| 1. WI Department of Administration LEA Grant Permitted use of Funds |
| 2. Ductless Fume Hood Product Details                               |
| 3. Spill Tray Product Details                                       |
| 4. HEPA Filter Product Details                                      |

e of Wisconsin  
Department of Administration

# Law Enforcement Agency Grant

August 16, 2022

**Update:** The Expense Reporter System is now live and ready for you to utilize. You will use this system to report expenditures that are eligible for reimbursement under the Memorandum of Understanding (MOU) for this grant program. As a reminder, to be eligible, an expenditure must be incurred by your agency between March 15, 2022 and June 30, 2023 and fit within one or more of the categories of eligible expenditures set forth in the MOU and this page.

Once your agency has reviewed and accepted the terms, it must be signed by a person with full authority to make binding agreements on behalf of your agency and uploaded into the Expense Reporter System. After the MOU has been signed and uploaded, you may begin entering expenses. Your agency will not be able to enter expenses in the Expense Reporter System until it has uploaded the signed MOU.

The first reporting period ends on September 30, 2022. After that date, the Department of Administration (DOA) will review the submissions and reimburse eligible expenditures. There will be additional reporting periods in December 2022, March 2023, and July 2023. An eligible expenditure may be submitted for reimbursement during any reporting period, so long as it meets the eligibility requirements and has not already been reimbursed from DOA or another source. For each reporting period, DOA will not begin reviewing expenses and issuing reimbursements until after the reporting period ends.

The link to the reporter is: <https://wi.accessgov.com/doa-wi/Forms/Page/intergov/law-enforcement-grant-expenses/> (<https://wi.accessgov.com/doa-wi/Forms/Page/intergov/law-enforcement-grant-expenses/>). You are encouraged to create an account, so you can log back in and see the status of your claims. The directions for account creation are here:

 <https://doa.wi.gov/Secretary/Signing%20Up%20for%20a%20MyWi%20sconsinID%20in%20AccessGov.pdf> (<https://doa.wi.gov/Secretary/Signing%20Up%20for%20a%20MyWisconsinID%20in%20AccessGov.pdf>).

If you did not receive an email with the MOU Document, please email [leagrant@wisconsin.gov](mailto:leagrant@wisconsin.gov) (<mailto:LEAGrant@wisconsin.gov>) and request the MOU.

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July 1, 2022

**Update:** The list of expenditures eligible for reimbursement through this program has been expanded to include costs for upgrading public safety answering point (PSAP) infrastructure. This addition is included in expense category 5 below.

For questions please contact [LEAGrant@wisconsin.gov](mailto:LEAGrant@wisconsin.gov) (<mailto:LEAGrant@wisconsin.gov?subject=LEA%20Grant%20Question>).

3/30/2023

45/54



June 24, 2022

**Update:** The list of expenditures eligible for reimbursement through this program has been expanded to include up to 50 percent of a law enforcement agency's fuel or electrical charging costs for vehicles. Please review the changes in the updated expense category 5 below. The updated expense category 5 also includes additional clarifications regarding the eligibility of certain other items not specifically addressed in the original version.

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**Program:** Tribal and Local Law Enforcement Agency Initiative

**Award Amount:** Each tribal and local law enforcement agency in the State of Wisconsin (referred to herein as "LEAs" or "Grantees") has been allocated a certain sum (its "Allocation") based on the size of the population it serves, with an add-on for LEAs serving communities where violent crime exceeds the state average. The Allocation for each LEA is available [here](#) ([./DIR/Law Enforcement Allocations.pdf](#)) and incorporated by reference herein.

**Program Duration:** An LEA may use its Allocation to reimburse eligible expenditures incurred **between March 15, 2022 and June 30, 2023**. Expenditures incurred outside that time window are not eligible for reimbursement under this Program. For purposes of this Program, an expenditure is not "incurred" until the LEA or its affiliated Tribal or local government has paid it.

**How it Works:** During a quarterly Reporting Period, an LEA may draw down its Allocation and receive allocated funds by reporting eligible expenditures for reimbursement through the Program's online reporting system. DOA will process these submissions and reimburse each LEA's reported eligible expenditures from the remaining balance of its Allocation. The first Reporting Period is expected to occur during a two-week period in September 2022; they will occur on a quarterly basis thereafter until the completion of the Program.

*Example:* An LEA has a \$20,000 allocation. During the September 2022 Reporting Period, it uses the online reporting system to report \$8,000 in eligible expenditures incurred since March 15, 2022. DOA processes the reimbursement request and pays \$8,000 to the LEA, leaving \$12,000 in the LEA's Allocation. In the next quarterly Reporting Period, the LEA submits another \$7,000 in eligible expenditures. Those eligible expenditures are again processed and reimbursed, leaving the LEA with \$5,000 of its Allocation remaining to reimburse expenditures reported in subsequent Reporting Periods.

**Permitted Uses of Funds:** The Program is intended to provide LEAs with additional resources to help offset certain costs associated with hiring, training, testing, and equipping law-enforcement officers, as well as updating certain technology and policies and implementing new crime-reduction initiatives. The following expenditures are eligible for reimbursement under the Program, subject to the limitations set forth in the MOU, this Program Schedule, and applicable state and federal law:

1. **Recruitment incentives.** The Program will reimburse the costs of certain financial incentives to recruit new officers, jail personnel, and dispatchers (referred to collectively below as "new hires"), as follows:
  - a. The costs of a new hire's academy or other formal preparatory training, to the extent the new hire's training costs are reimbursed by the LEA following acceptance of employment.
  - b. A signing bonus of up to \$2,000 for each new hire.
  - c. For each new hire whose most recent employer was an out-of-state governmental agency, an additional bonus of up to \$500 for each year of relevant out-of-state experience as a law enforcement officer, jailer, or dispatcher, up to an additional \$2,000. Thus, for a new hire from an out-of-state law governmental agency with four or more years' relevant experience, this Program will reimburse the cost of providing a signing bonus of up to \$4,000.

Each new hire who receives recruitment incentives that are reimbursed through this Program must provide the LEA with a written statement affirming that the new hire intends to complete at least three years' continuous employment with the LEA. The LEA is responsible for collecting and maintaining those statements; it does not need to provide copies of those statements when making reimbursement requests unless specifically requested by DOA.

Each LEA is responsible for conducting appropriate background checks on employment candidates. New hires with a record of misconduct are not eligible to receive recruitment incentives that are reimbursed through this Program.

2. **Medical testing.** The Program will reimburse the costs of job-related medical testing of officers, including physical examinations, hearing tests, drug tests, pre-employment psychological examinations, and other medical testing.

3. **Training.** The Program will reimburse the costs of providing training to help reduce violence and improve community safety, including programs to train officers in any of the following subject areas:

- a. Crisis intervention, including training for interactions with individuals suffering from mental illness and addiction.
- b. Resiliency and suicide prevention.
- c. Use-of-force options and de-escalation tactics, including scenario-based training aimed at stabilizing potentially dangerous situations to allow more time and options for safe resolution.
- d. Implicit bias.
- e. "Active bystander" training.
- f. The emergency detention process.
- g. Homicide investigation.
- h. Any annual recertification training required by the Wisconsin Law Enforcement Standards Board.

4. **Wellness and counseling programs.** The Program will reimburse the costs of providing wellness, counseling, or behavioral health programs or services to officers.

5. **Officer equipment, fuel, and technology, excluding weapons.** The Program will reimburse the costs of purchasing the following:

- a. Uniforms, duty belts, holsters, handcuffs, boots, bulletproof vests and other protective gear, radios, flashlights, and other equipment of a similar nature.
- b. License-plate readers, security cameras, and smart cameras, including thermal imaging cameras and vehicle-mounted cameras.
- c. Mobile data computers and equipment purchased for the purpose of improving wireless connectivity in LEA vehicles, such as mobile hot spots.
- d. Body cameras and body camera-activating holsters.
- e. Upgrades to public safety answering point (PSAP) systems or infrastructure.
- f. Any accessories, software, services (including installation), or specialized training needed to utilize items in categories 5.a to 5.e above.
- g. Up to 50 percent of the fuel and charging costs for LEA vehicles.

Weapons (including non-lethal weapons) and ammunition are not eligible for reimbursement through this Program.

6. **Temporary contract personnel.** The Program will reimburse the costs of retaining temporary contract personnel to assist with processing evidence, reducing backlogs, or other tasks that help LEAs conduct criminal investigations. When reporting these expenditures in the online reporting system, the LEA must identify the contractor used and the nature of the services performed.

7. **Sworn law enforcement officers, jail personnel, and dispatchers.** The Program will reimburse certain costs associated with sworn law enforcement officers, as follows:

- a. The additional payroll costs associated with increasing part-time officers, dispatchers, or jail personnel to full-time positions.
  - b. For LEAs that adopt or engage in initiatives to reduce violent crime (including offenses involving firearms), the payroll costs of officers for time worked on such initiatives.
  - c. The payroll costs of officers for time worked on Crisis Intervention Teams.
  - d. For LEAs serving communities where the violent crime rate exceeds the state average, as identified in [Appendix 1 \(/DIR/Law Enforcement Appendix 1.pdf\)](#), the full payroll costs for new hires (as defined in paragraph 1 above) made on or after March 15, 2022.
8. **K9 units.** The Program will reimburse the costs associated with purchasing canines to assist officers with law enforcement functions, including any related training costs.
9. **Community policing initiatives.** The Program will reimburse costs associated with designing and implementing community policing initiatives, including training, equipment and technology (excluding weapons), temporary contract personnel, or other expenses associated with such initiatives. For purposes of this Program, "community policing initiatives" refer to place-based, community-oriented crime reduction strategies in targeted neighborhoods suffering from chronic crime issues.
10. **Initiatives to address carjacking and vehicle theft.** The Program will reimburse costs associated with designing and implementing initiatives to prevent and investigate incidents of carjacking and vehicle theft, including training, equipment and technology (excluding weapons), temporary contract personnel, or other expenses associated with such initiatives.
11. **Updating use-of-force policies to comply with Act 75.** The Program will reimburse costs associated with updating their use-of-force policies to comply with the standards set forth in [2021 Wisconsin Act 75 \(https://docs.legis.wisconsin.gov/2021/related/acts/75.pdf\)](#), including any costs of training related to these standards.

Expenditures not included in the above categories are not eligible for reimbursement through this Program.

**Procurement limitations:** All expenditures submitted for reimbursement through this Program must comply with Grantee's local procurement procedures and must avoid conflicts of interest, acquisition of unnecessary or duplicative items, excessive costs, or other waste.

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March 15, 2022

In March, Governor Evers announced [a new investment of more than \\$50 million to help make Wisconsin communities safer \(https://content.govdelivery.com/accounts/WIGOV/bulletins/30ec88b\)](#), including nearly \$19 million to be allocated to every local and tribal LEA across the state. The allocation for each LEA is based on the size of the population served, with an add-on for communities where violent crime exceeds the state average.

Each LEA can use its allocated funds to reimburse eligible expenditures incurred between March 15, 2022 and June 30, 2023. The Department of Administration (DOA) currently anticipates that the first round of reimbursement payments will be made in September 2022. In the coming weeks, the DOA will provide details on the types of expenditures that are eligible for reimbursement through the program, how an LEA reports them to the DOA, and other terms and conditions. We will send an email notice to you once those details are finalized.

For questions please contact [LEAGrant@wisconsin.gov](mailto:LEAGrant@wisconsin.gov) (mailto:LEAGrant@wisconsin.gov?subject=LEA%20Grant%20Question).

[Contact Us \(/Pages/AboutDOA/ContactUs.aspx\)](#)

[Legal/Acceptable Use \(https://www.wisconsin.gov/Pages/Policies.aspx\)](https://www.wisconsin.gov/Pages/Policies.aspx)

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Ductless Fume Hoods / Ductless Fume Hood: 36 in Wd, 35 in Ht...



Ductless Fume Hood: 36 in Wd, 35 in Ht, 115V, 1 Filters Required, 186 cfm CFM

Item 8NK58 Mfr. Model P5-36-XT-A

Web Price *i*  
**\$2,425.46** / each

This item requires special shipping, additional charges may apply.

Qty  
1

Add to Cart

☒ Ship

☐ Pickup

Expected to arrive Tue. Mar 28.

Ship to 53190 | [Change](#)

Shipping Weight 156 lbs  
[Ship Availability Terms](#)

Add to List

Product Details Catalog Page 636

Filter Type Acids; Carbon; Formaldehyde; HEPA; Solvents

CFM 186 cfm

Overall Height 35 in

Overall Width 36 in

Overall Length 27 in

Inside Height 24 in

Voltage 115V

Number of Filters Required 1

Width 36 in

Depth 27 in

Height 35 in

UNSPSC 41103502

Country of Origin USA (subject to change)

Product Description

Basic ductless fume hoods protect people and the environment from hazardous vapors generated on work surfaces.

Documents

[Air Science Purair Basic Brochure](#)

Compatible Products



Fume Hood Accessories / AIR SCIENCE Spill Tray

AIR SCIENCE Spill Tray

Item 9RD82    Mfr. Model TRAY M-36



Web Price *i*  
\$252.96 / each

Qty

1

Add to Cart

☒ Ship

☐ Pickup

Expected to arrive Tue. Mar 28.

Ship to 53190 | [Change](#)

Shipping Weight 13.04 lbs  
[Ship Availability Terms](#)

Add to List

Product Details    Catalog Page N/A

Inside Height 1 in

Inside Length 25.4 in

Inside Width 34.85 in

Material Polypropylene

Width 36 in

For Use With 36 in Wide Purair Basic(TM) Ductless Fume Hood

Accessory Type Spill Tray

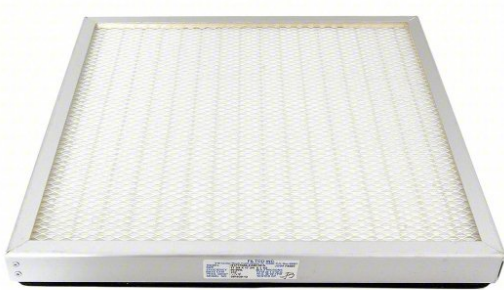
UNSPSC 41103502

Country of Origin USA (subject to change)

 Compatible Products



Fume Hood Filters / Filter: HEPA, Purair Basic(TM) Ductless...



Filter: HEPA, Purair  
Basic(TM) Ductless Fume  
Hoods (Nos. 146723-  
146728)

Item 4UDH9    Mfr. Model ASTS-030

Web Price *i*  
\$362.09 / each

Qty

1

Add to Cart

☒ Ship

☐ Pickup

Expected to arrive Tue. Mar 28.

Ship to 53190 | [Change](#)

Shipping Weight 5.55 lbs  
[Ship Availability Terms](#)

Add to List

Product Details    Catalog Page [636](#)

Type HEPA

For Use With Purair Basic(TM) Ductless Fume Hoods (Nos. 146723-146728)

UNSPSC 41103502

Country of Origin USA (subject to change)

Compatible Products



## Council Agenda Item

Meeting Date:

Agenda Item:

TV Station Update Status

Staff Contact (name, email, phone):

Tim Neubeck, [tneubeck@whitewater-wi.gov](mailto:tneubeck@whitewater-wi.gov), 262-473-1391

### BACKGROUND

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

On January 19<sup>th</sup>, 2023, Spectrum installed a device that got the City one step closer to being able to broadcast from their end. Our Managed Services Provider (MSP), Digicorp, and City staff have been going back and forth with Spectrum for some time on this issue as there is not documentation on the new equipment nor are there many communities we have found who are in the same situation as us.

Below is the process to being able to go live. Because of the compatibility issues, we are still on step one.

1. Media Services Specialist Zach Popke created a test playlist of meetings and community events that is being fed to Spectrum on a 24 hour basis as a test to determine if the feed is at the correct resolution and framerate.
2. Spectrum analyzes the feed to determine if it is good on their side.
3. Once confirmed, Spectrum will spend up to 3 business days SOAK testing the feed.
4. Spectrum configures the channel and schedules a date to cut over to the channel. Per the project manager, the best-case scenario for that to happen is no earlier than May as this configuration takes 60-90 days.

### PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Staff has been working with Digicorp on this project since it began. We purchased the necessary hardware and service licensing for scheduling software to broadcast since the last update memo dated 2/16/2023. Tim Turner with Digicorp, Media Services Specialist Popke, support staff from DV Play (our scheduling software), and I have confirmed the outbound signal is at the correct specifications as of 3/20/23. However, we do not have the visibility to see what is on the guest side of the Spectrum equipment to determine the impact of changes on our signal. Staff and Digicorp have been highly responsive to Spectrum; however, replies from the Spectrum project manager as not always in a timely manner. We have questioned internally whether the project manager has the technical awareness to accurately give feedback to Digicorp or Media Services Specialist Popke.

Because this project has stalled, we are delaying the purchase of new camcorders as we will not have the use for them until this project takes off.

### FINANCIAL IMPACT

(If none, state N/A)

All of this back and forth with Spectrum eats into the weekly allotment of hours we use Digicorp. As a result, this feedback loop with unhelpful information from Spectrum is eating into project hours that can be spent enhancing and upgrading the City's IT infrastructure.



| STAFF RECOMMENDATION |
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|                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Media Services Specialist Popke and I will continue to monitor the project and make feed changes per feedback from Spectrum. As we are reactionary to their responses, we cannot foresee our next steps. However, we will continue to update management & the City Council on any new developments. |
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| ATTACHMENT(S) INCLUDED |
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| (If none, state N/A) |
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| N/A |
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