



Common Council Meeting

Whitewater Municipal Building Community Room,
312 West Whitewater St., Whitewater, WI 53190
*In Person and Virtual

Tuesday, September 05, 2023 - 6:30 PM

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

When: Sep 5, 2023 06:30 PM Central Time (US and Canada)

Topic: Common Council Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84471937728?pwd=YlFVWFRCdnZEcnpISlRDZ0xHUmRWZz09>
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Webinar ID: 844 7193 7728

Passcode: 529326

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.

AGENDA

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Items on the Consent Agenda will be approved together unless any council members requests that an item be removed for individual consideration.

1. Approval of Common Council Minutes from August 01, 2023
2. Plan and Architectural Review Commission Minutes from July 10, 2023
3. Library Board Minutes from July 17, 2023
4. Park and Rec Board minutes June 28, 2023

CITY MANAGER REPORT

HEARING OF CITIZEN COMMENTS

No formal 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.

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.

RESOLUTIONS

5. Resolution requesting exemption from County Library Tax **Library**

ORDINANCES

First Reading

6. **Ordinance 2065** an ordinance creating chapter 5.39 licensing of short - term rentals **Dawsey- Smith/Neighborhood Services**
7. **Ordinance 2066** an ordinance creating chapter 5.85 Convenient Cash Businesses - **Allen/City Clerk**
8. **Ordinance 2067** and ordinance revising Chapter 1.28 right of entry for inspection- **Neighborhood Services**
9. **Ordinance 2068** an ordinance revision of chapter 8.12 Filth-**Neighborhood Services**
10. **Ordinance 2069** an ordinance revision of chapter 14.05 building and maintenance code and dwelling standards-**Neighborhood Services**

Second Reading

11. **Ordinance 2062** an ordinance amending changes to portions of the zoning code dealing with code enforcement, building standards and penalties. **Neighborhood Service**
12. **Ordinance 2063** Ordinance amending Chapter 11.16.15, adding No Stopping, Standing or Parking on east side of Elizabeth Street at Court Street and Laurel Street. **Public works**
13. **Ordinance 2064** Ordinance amending Chapter 11.16.15, Parking restrictions on 2nd Street between Whitewater Street and North Street **Public Works**

CONSIDERATIONS

14. Discussion and possible action regarding University of Wisconsin - Whitewater firework permit - **City Clerk**
15. Discussion and possible action regarding Virtual Meeting Policy **Allen/HR**
16. Discussion and possible action to award Water Utility Vehicle Storage Garage, Contract 3-2023 to RR Walton & Company of Whitewater, WI **Public Works**
17. Discussion and possible action regarding Cravath Lake flower area **Hicks/Public works**
18. Discussion and possible action regarding agenda request item policy . **City Manager/City Clerk**

- [19.](#) Discussion and possible action regarding Fire Department bunk room and bathroom design proposal - **Fire Dept**
- [20.](#) Discussion and possible action regarding citizen community survey **Dawsey-Smith/City Manager**
- [21.](#) Discussion and possible action regarding City Manager's management plan - **Hicks/City Manager**
- [22.](#) Discussion and possible action regarding regulation of Mobile Home Communities- **City Manager**
- [23.](#) Discussion and possible action regarding hiring a temporary, hourly assistant to the city manager - **Allen**
24. Councilmember Requests for Future Agenda Items or Committee items. Questions

FUTURE AGENDA ITEMS

25. Updates to the Mobile Home Ordinance - **Hicks -October**
26. First line surveys for staff to complete on management **Gerber Q3/Q4 2023**
27. Feedback survey for City Manager to distribute when you attend or present at meetings **Gerber Q3/Q4 2023**
28. Policy for exit interviews **Gerber Q3/Q4 2023**
29. Water Credit Policy - **Gerber/Public Works - September 19**
30. Good Governance manual changes **Gerber - October 3**
31. Geese control on the lake **Dawsey-Smith October 3**
32. Compensation survey **Gerber Q4 2023**
33. Crime Stat report - **Gerber - September 19**
34. LEO Grant request - **PD September 19**
35. Walton Assessment review - **Finance - September 19**
36. Training for newly elected and appointed officials **Dawsey- Smith - April/May 2024**
37. Bird Scooters - **Hicks/City Manager - September 19**
38. Lakes meeting follow up - **Park and Rec/City Manager - September 19**

ADJOURNMENT

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.

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

August 1, 2023

The regular meeting of the Common Council was called to order at 6:30 p.m. by President Jim Allen. MEMBERS PRESENT: Neil Hicks (via Zoom) , David Stone, Jim Allen, Lisa Dawsey-Smith, Brienne Brown, Jill Gerber. MEMBERS ABSENT: Lukas Schreiber LEGAL COUNSEL PRESENT: Jonathan McDonell, City Attorney, STAFF PRESENT: John Weidl (City Manager), Brad Marquardt (Director of Public Works), Karri Anderberg (City Clerk).

CONSENT AGENDA: It was moved by Councilmember Dawsey- Smith and seconded by Councilmember Gerber to acknowledge receipt and filing of the following: Library Committee Minutes from June 19, 2023 AYES: Dawsey-Smith, Hicks, Gerber, Brown, Stone, Allen. NOES: None. ABSENT Schreiber. Motion passed.

CITY MANAGER REPORT. City Manager Weidl gave his bi-monthly update of City events and accomplishments, including reports from the following departments: Public Works, IT, Neighborhood Services, Library, Parks & Recreation, Police, and Human Resources.

STAFF REPORTS: Update on businesses operating in the City without a conditional use permit- Neighborhood Services- Manager Chris Bennett gave an update on businesses operating in the City without a conditional use permit. Campaign Planning Study for Whitewater Aquatic and Fitness Center Aquatic Center – City Manager Weidl gave an information on the plan for the aquatic center. Councilmembers asked questions.

HEARING OF CITIZEN COMMENTS: None

First Reading

ORDINANCE No. 2061
AN ORDINANCE AMENDING CHAPTER 2.28
POLICE AND FIRE COMMISSION

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

SECTION 1. Whitewater Municipal Code Chapter 2.28 is hereby amended to read as follows:

2.28.010 Created—Membership.

There shall be created as hereinafter specified a police and fire commission consisting of five citizen members who shall have the power and perform the duties as specified in Wis. Stats. § 62.13.

2.28.020 Appointment—Terms.

The board of police and fire commissioners shall be appointed by the common council at the time specified by statute, one member to serve until the first day in May; and annually thereafter one commissioner who shall hold his/her office for five years and until his/her successor is appointed and qualified.

2.28.030 State statutes applicable.

The provisions of Wisconsin Statute 62.13, and all acts amendatory thereto so far as the same are applicable, are incorporated herein and shall be effective in the same manner as if set forth in full herein.

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk

City Manager Weidl and Clerk Anderberg summarized the changes to the Ordinance Council Stone asked for a grammar error fix. Moved by Councilmember Dawsey-Smith to approve Ordinance 2061 with the edit change. Seconded by Councilmember Brown. AYES: Dawsey-Smith, Hicks, Gerber, Brown, Stone, Allen. NOES: None. ABSENT: Schreiber Motion passed.

Second Reading

ORDINANCE No. 2059
AN ORDINANCE AMENDING SUBSECTION 11.16.150
STREET INDEX OF PARKING RESTRICTIONS

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 Subsection 11.16.150 is hereby amended by deleting the following from the Street Index of Parking Restrictions:

	<u>George St</u>	<u>East side; from the north curbline of W North St to the northern terminus</u>	<u>11.16.080</u>	<u>No parking</u>
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	<u>George St</u>	<u>Along the arced curbline of the cul-de-sac</u>	<u>11.16.080</u>	<u>No parking</u>
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And adding the following to the Street Index of Parking Restrictions:

	<u>George St</u>	<u>East side; from the north curbline of W North St to the southernmost arc of the cul-de-sac</u>	<u>11.16.080</u>	<u>No parking</u>
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	<u>George St</u>	<u>Along the arced curbline of the cul-de-sac from the east side of the multi-use path to the north side of the driveway serving 302/304 George St</u>	<u>11.16.080</u>	<u>No parking</u>
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Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk

Moved by Councilmember Dawsey Smith seconded by Councilmember Brown to approve Ordinance 2059 AYES: Dawsey-Smith, Hicks, Gerber, Brown, Stone, Allen. NOES: None. ABESENT: Schreiber. Motion passed.

CONSIDERATIONS:

Discussion regarding Library building expansion – Library Director Stacey Lunsford presented the library expansion plans. Councilmembers asked questions about the future project.

Discussion and possible action regarding City Manager evaluation policy - HR Director presented the policy changes for the City Manager evaluation policy. Council Members asked questions and discussed possible changes

Motion made by Council President Allen to meet in closed session with Common Council and City Attorney to go over the city manager evaluation, establish city goals, go over city goals and then following meeting bring the City Manger into discuss with findings with City Manager. Councilmember Stone Seconded.

Councilmembers discussed the motion and the City Manager and City Attorney felt the motion was not legal.

Councilmember Brown made a motion to approve the policy with the change to have a private session with City Attorney or HR Director before discussion with City Manager, and take out Complete Anonymity Seconded by Councilmember Gerber.

AYES: Dawsey-Smith, Hicks, Gerber, Brown, Stone NOES: Allen ABSENT: Schreiber. None. Motion passed.

Discussion and possible action regarding water credit practices. Brad Marquardt Director of Public Works summarized the current practice that is place. Brad Marquardt stated that no formal policy is currently on the books.

Councilmember made a motion to allow water credits from May to September Seconded by Council President Allen. AYES: Gerber, Brown, Dawsey-Smith, Allen, Stone, Hicks. NOES: None ABSENT: Schreiber. Motion passed.

Council instructed Public Works Director Marquardt to bring back a formal policy for council to approve.

Discussion and possible action regarding Tripp and Cravath Lake dredging services bid. Public Works Director Marquardt went over the bids. Council Members asked questions.

Steve Ryan – 714 Burroak Trail- Mr. Ryan is the current Park and Rec board Chair gave a history on the history of the lakes. Mr. Ryan would like to see the dredging to get approved.

Kurt Zipp – 611 East Clay Street. Kurt would like to see a lake district formed.

Chuck Mills – 336 Whitten – Mr. Mills wants to see kids back on the lake not frogs or bees. Mr. Mills would like to see the City talk farmers in the area. Mr. Mills feels farmers have the answer. Mr. Mills does not want to hear from the DNR or Park and Rec. Mr. Mills is very upset over the lake issues.

Michael Smith- wants to see a 5 year Vision from the city.

Councilmember Brown made a motion to approve the lowest bid Seconded by Councilmember Dawsey-Smith

AYES: Dawsey-Smith, Hicks, Gerber, Brown, Stone, Allen. NOES: None. ABESENT: Schreiber. Motion passed.

Discussion and possible action regarding the appointment of a City of Whitewater representative to the Intergovernmental Cooperation Council of Walworth County

Moved by Councilmember Stone Seconded by Councilmember Dawsey- Smith to appoint Councilmember Brown. AYES: Hicks, Stone, Allen, Dawsey-Smith, Brown, Gerber. NOES: None. ABSENT: Schreiber. Motion passed.

Discussion and possible action regarding copier contract City IT Director Tim Neubek summarized the request. Councilmembers asked questions.

Moved by Councilmember Dawsey-Smith seconded by Councilmember Brown to approve Gordon copier contract. AYES: Dawsey-Smith, Hicks, Stone, Allen, Brown, Gerber. NOES: None. ABSENT: Schreiber. ABSTAIN: None Motion passed.

Discussion and possible action regarding communication center weather radio antenna upgrade: Police Chief Meyer summarized the request. Total cost of the project would be \$1889.50. Councilmembers asked questions

Moved by Councilmember Stone seconded by Councilmember Dawsey-Smith to approve regarding communication center weather radio antenna upgrade. AYES: Hicks, Stone, Allen, Schreiber, Dawsey – Smith, Brown, Gerber. NOES: None. ABSENT: Schreiber. Motion passed.

COUNCILMEMBER REQUESTS FOR FUTURE AGENDA ITEMS.

Dawsey Smith- Park and Rec dept to consider options for geese repellent on the city shore line. Proposed city manager evaluation tool.

Gerber- Review for competency questions for city manager.

Allen- Make a Future agenda list on the agenda.

CLOSED SESSION.

Council President Allen Moved to go into closed session seconded by Dawsey Smith.

AYES: Hicks, Stone, Allen, Schreiber, Dawsey – Smith, Brown, Gerber. NOES: None. ABSENT: Schreiber. Motion passed.

CLOSED SESSION. Adjourn to closed session, **to reconvene in open session**, pursuant to Chapter 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) MOU/MSP with UWW 2) Aldi development agreement

Council took a break at 8:21pm

Council went into closed session at 8:24pm

Council came back into open session at 8:39pm

Councilmember Dawsey Smith Moved to come back into open session seconded by Brown.

AYES: Hicks, Stone, Allen, Schreiber, Dawsey – Smith, Brown, Gerber. NOES: None. ABSENT: Schreiber. Motion passed.

Discussion and possible action regarding MOU/MSP with UWW

Motion to approve voluntarily terminate any MOUS/MSP with University of Wisconsin Whitewater regarding dispatch services and return 2023 MOU payments totally \$210,862.80 and notify the state regarding the same was made by Councilmember Dawsey Smith seconded by Councilmember Stone. AYES: Hicks, Dawsey Smith, Brown, Allen, Stone, Gerber NOES: None Absent: Schreiber. Motion passed

Discussion and possible action regarding Aldi development agreement

Motion made by Dawsey – Smith seconded by Brown to direct staff to move forward on developer agreement AYES: Hicks, Dawsey Smith, Brown, Allen, Stone, Gerber NOES: None Absent: Schreiber. Motion passed

Adjournment

Motion made by Dawsey – Smith seconded by Hicks to adjourn. AYES: Hicks, Dawsey Smith, Brown, Allen, Stone, Gerber NOES: None Absent: Schreiber. Motion passed

Meeting adjourned at 8:41pm

Respectfully submitted,

Karri Anderberg, City Clerk

DRAFT

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
IN-PERSON AND VIRTUAL MEETING
6 p.m. July 10, 2023

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

Video: <https://vimeo.com/844253129>

1. Call to Order and Roll Call

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

PRESENT: Miller, Andrew Crone, Neil Hicks, Carol McCormick, Brian Schanen, Sherry Stanek

ABSENT: Bruce Parker

Video: 00.07

2. Hearing of Citizens Comments

None

3. Review and Approval of Minutes: June 12, 2023

Hicks moved for approval of the minutes. McCormick offered a second. Passed: Unanimously.

Video: 1.26

4. Public hearing for review and possible approval-Conditional Use Permit (CUP) application for a storage building for the City of Whitewater's water utility. City of Whitewater, owner and applicant.

Consideration for CUP for a vehicle storage building for City of Whitewater Water Utility. Brad Marquardt, Director of Public Works, represented the city and answered questions and concerns regarding the look for the building. Jim Allen provided citizen comment regarding how the business park buildings have the bottom five feet of a brick or stone skirt. Lee Loveall provided citizen comment stated that he also has a similar plan and has windows placed a foot below the soffit and is willing to share the plans. Motion by Hick, second by Stanek. AYE: Hicks, McCormick, Miller, Schanen and Stanek. NAY: Crone. Passed 5-1

Video: 1.53

5. Public hearing for review and possible approval – Conditional Use Permit (CUP) application for towing and storage of semi-trailers at 1002 S. Janesville St. Reid Breyer, business owner and applicant.

Consideration for CUP for towing and storage semi-trailers for Reid Breyer. Breyer did not attend or send a representative. Stanek motioned to not approve due to all open questions. Motion seconded by Hicks. Motion was withdrawn by Stanek. Withdrawal motion seconded by Hicks. Stanek motioned to table the application until Mr. Breyer can come in and answer questions. Seconded by McCormick. Motion passed: Unanimously.

Video: 17:37

6. Update-traffic and access at Starbucks, 1218 Main Street.

Chris Bennett, Neighborhood Service Director, let the board know that Starbucks was approached about having the exit to be a right hand turn only. Starbucks declined the city's request.

Video: 49:39

7. **Next Plan and Architectural Review Commission meeting:** August 14, 2023
8. **Adjourn:** Stanek Moved, with a second from Schanen. Meeting adjourned at 6:52 p.m.

Respectfully submitted,
Llana Dostie
Neighborhood Services Administrative Assistant

Irvin L. Young Memorial Library
Community Room
431 W. Center
Street
Whitewater, WI 53190
July 17, 2023, 6:30 p.m.

MINUTES OF THE JULY 17, 2023 MEETING

1. Call to Order and Roll Call

Present: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke
Absent: Doug Anderson, Jaime Weigel, Sallie Berndt
Staff: Stacey Lunsford, Diane Jaroch arrived at 6:31

2. Consent Agenda

MSC Orłowski/Retzke to approve the Consent Agenda.
Ayes: Brienne Diebolt-Brown, Jennifer Motszko, Alyssa Orłowski, Kathy Retzke
Nays: None

3. Hearing of Citizen Comments

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. ~ None.

4. Old Business

4.1. Library Building Project

Update on the capital campaign

- Fundraising Campaign Public Phase Kickoff Event: Monday, July 10: Post- event report
 - Architects came up to attend
 - About 50 people attended
 - In Janesville Gazette, Daily Union, and Whitewater Banner

- Update on fundraising
 - After the event, the library received \$17,000, \$277,000 left to raise

- 4.II. Review and Possible Approval of The Revised Meeting Room Policy Draft revision with comments were discussed. As requested, this is being brought back for a vote during August meeting after a final revision.
- 5. New Business
 - 5.I. Discussion of Trustee Training Week Sessions ~ Trustees were asked to register for at least one session during the week of August 21.
- 6. Staff & Board Reports ~ Stacey gave a brief update on the Bridges Library System proposed budget for 2024.
- 7. Board Member Requests for Future Agenda Items ~ None.
- 8. Confirmation of Next Meeting August 21, 2023, 6:30 p.m.
- 9. Adjournment at 7:06 p.m.

Respectfully
submitted,
Brienne Diebolt-Brown Secretary



Parks and Recreation Board Minutes
Wednesday, June 28th, 2023 – 5:30 pm
Cravath Lakefront Room
312 W. Whitewater Street
Whitewater, WI 53190
Hybrid Meeting

1. Call to Order and Roll Call

Dan Fuller, Megan Matthews, Steve Ryan, David Stone, Deb Weberpal, Kathleen Flemming, Stephanie Hicks, Mike Kilar, and Ben Prather, Absent: Korie Oberlie
Staff: Eric Boettcher, Jennifer French, Michelle Dujardin, Lorelei Bowen, & John Weidl
Attendee's: Chuck Mills, Jill Gerber, Jim Allen, Gayle Steller, and Neil Hicks

2. Approval of Minutes

Motioned by Dan Fuller. Seconded by David Stone. Ayes: Dan Fuller, Megan Matthews, Steve Ryan, David Stone, Deb Weberpal, Kathleen Flemming, Stephanie Hicks, Mike Kilar, and Ben Prather. Absent: Korie Oberlie

3. Hearing of Citizen Comments

Neil Hicks: Concern on abandoned sewer grate that has been uncovered on Treyton's ball diamond. Encouraged additional floats in 4th of July Parade and future parades.

4. Staff Reports

a. **Director's Report:**

i. Boettcher:

* Effigy Mounds has been 80% mowed by outside company, which helps create the ability for city staff to maintain area.

*Softball U16 Tournament was a good weekend and had four teams

b. **Event Programs:**

i. Dujardin:

* Generac was thanked for being the Summer Camp Sponsor and provide t-shirts for all the staff and campers

*Innovation Summer Camp has started and having a great time, they are lucky enough to visit the aquatic and fitness center twice a week.

*Concerts In The Park start on July 13th with Piper Road Spring Band

*The department will have a 4th of July parade float with the theme: Life is better at the Pool. City staff will walk and hand out little rubber ducks that equal a one day pass to the aquatic and fitness center

*Stevie the squirrel search is a great success, families look forward to each month

*After School Registration for the Fall is up and taking registration

c. Senior Programs:

i. French:

* Dairy Day's was amazing: The participants learned how to milk, make butter, took a virtual farm tour

d. Aquatic Center:

i. Bowen:

* Membership numbers are over 2,000 members

* Pool is getting used heavily by camps

* Four new lifeguards have been hired

Hicks suggested hosting a flick and float as a possible future event

5. Urban Forestry Commission Updates

Partnership with groups and Seniors In The Park has been amazing in new plantings and future projects. Arboretum grant follow-up report has been turned in.

6. Pedestrian and Bicycle Updates

No update

7. Considerations

7a. WAFC Park Board Committee Discussion: Boettcher presented the subject.

- Stone suggested the current board stay the way it stands with no changes
- Mathews commented that one more committee may not help
- Hicks commented open either way

No Action Taken

7b. WAFC Action Plan: Boettcher presented action plan included in packet

- Hicks questioned partnership with High School. Boettcher stated students will get credit for a 9th hour class to get lifeguard certified.
- Matthews stated AMA always looking to help with marketing and fundraising, questioned if we have looked in UWW Wellness program
- Gerber questioned friends group incentives for current employees, outdoor patio area options, volunteer programs, fundraising ideas, increase of birthday parties, and looking at past action plan for ideas.
- Mills stated the following areas need maintenance attention: Front entry way (metal pillars need painting, door jams replacement, dirt on carpet corners, paint on windows, banner faded in entry way, and brass plate in lap pool needing buffing)

Motioned by Hicks to approve current action plan with staff to supply past action plans to board. Seconded by Deb Weberpal. Ayes: Dan Fuller, Megan Matthews, Steve Ryan, David Stone, Deb Weberpal, Kathleen Flemming, Stephanie Hicks, and Mike Kilar. Abstain: Ben Prather Absent: Korie Oberlie

7c. Lakes Vegetation Project: Boettcher presented project included in the packet. Boettcher stated there are two quotes of harvesting and dredge. Boettcher personal recommendation is to dredge.

- Stone suggested importing animals that eat cattail such as muskrats. Stone also stated we need to be sure to be totally transparent
- Statements were made to remind everyone that DNR is making the guidelines
- Gerber questioned if the water could be increased to kill off cattail. Boettcher stated the Damns are all the way up.
- Mills questioned the number of cattail and how you stop the seeds from reseeding.
- Steller questioned how much is left in the budget?
- Allen questioned how the harvester cuts the cattail? Boettcher stated they would hydro cut by cutting the cattail just below the waterline. Allen questioned if they have to lower the water to dredge? Boettcher stated no. Allen questioned if the DNR will let you spray? Boettcher stated yes but doesn't recommend.

Motioned by Steve Ryan to take dredging option forward to City Council. Seconded by Dan Fuller.
Ayes: Dan Fuller, Megan Matthews, Steve Ryan, David Stone, Deb Weberpal, Kathleen Flemming,
Stephanie Hicks, Mike Kilar, and Ben Prather Absent: Korie Oberlie

8. Future Agenda Items

Hicks: Skyway park needs TLC (new wood chips & picnic tables)

9. Adjournment

Motioned by Stephanie Hicks to adjourn at 6:45pm. Second by Mike Kilar.

Next scheduled meeting: Wednesday July 19th, 2023

Respectfully Submitted,

Michelle Dujardin

Michelle Dujardin

Resolution Requesting Exemption from County Library Tax

WHEREAS the Jefferson County Board has established a county library service and levies a county library tax as authorized under Section 43.57 (3) of the Wisconsin Statutes, and

WHEREAS Section 43.64 (2) (b) of the Wisconsin Statutes provides that a village or city is exempt from the county library tax if it levies a tax for public library service and appropriates and expends for a library fund as defined by s.43.52 (1) during the year for which the county tax levy is made a sum at least equal to the county library tax rate in the prior year multiplied by the equalized valuation of the property in the city or village for the current year, and

WHEREAS the (city/village) of _____ will, in 2024, appropriate and expend an amount in excess of that calculated above,

NOW THEREFORE BE IT RESOLVED that the (city/village) of _____ hereby requests of the Jefferson County Board of Supervisors that the (city/village) of _____ be exempted from the payment of any tax for the support of the County Library Service as provided in Section 43.64 (2).

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the city/village clerk to the following parties:

ADMINISTRATOR
Jefferson County Library Council
Dwight Foster Public Library
209 Merchants Avenue
Fort Atkinson, WI 53538

COUNTY CLERK
311 S. Center Street, Room 109
Jefferson, WI 53549

Fiscal Note:

Estimated Municipal 2024 Library Appropriation \$ _____

Date Passed: _____

Vote: _____

Authorized Signature

Title of Person Signing

Jefferson County Library Exemption Minimum

Prior year rate for Library Levy = 0.000240352 (2024 Budget Year)
(2022 equalized value, 2023 budget)

	<u>2023 EQUALIZED VALUE</u>		<u>MINIMUM TO EXEMPT 2024</u>
Village of Cambridge**	9,019,300	\$	2,168
Village of Johnson Creek	539,255,900	\$	129,611
Village of Palmyra	176,027,000	\$	42,308
City of Fort Atkinson	1,274,989,400	\$	306,446
City of Jefferson	757,727,000	\$	182,121
City of Lake Mills	832,247,300	\$	200,032
City of Waterloo	331,385,100	\$	79,649
City of Watertown **	1,406,920,700	\$	338,156
City of Whitewater **	110,031,700	\$	26,446
	<u>5,437,603,400</u>		

** These municipalities have residents in multiple Counties, therefore there are additional aggregate full values that need to be added to their municipal values to determine their needed appropriations. Equalized values are TID out.

Jefferson County
Municipal Library Exemption Responses
Budget Year 2016

Municipality	Minimum Exemption Required	Replied Exemption	Date Received	Contract
Village of Cambridge**	2,168			
Village of Johnson Creek	129,611			
Village of Palmyra	42,308			
City of Fort Atkinson	306,446			x resource
City of Jefferson	182,121			
City of Lake Mills	200,032			
City of Waterloo	79,649			
City of Watertown **	338,156			
City of Whitewater **	26,446			

** These municipalities have residents in multiple Counties, therefore there are additional aggregate full values that need to be added to their municipal values to determine their needed appropriations.



Jefferson County Finance Department

311 S. Center Ave. Room 109
Jefferson, WI 53549
Telephone (920) 674-7434
Fax (920) 674-7368

Marc A. DeVries, CPA
Finance Director

Jayne Hintzmann
Donna Miller
Morgan Toutant
Tamara L. Worzalla, CPA

August 21, 2023

Municipal Libraries in Jefferson County:

This letter is a reminder to all municipal libraries in Jefferson County that your village or city must tax and appropriate a minimum amount to your library fund for 2024 expenditures in order to qualify for an exemption from the Jefferson County library tax. I have enclosed a spreadsheet that lists the **MINIMUM APPROPRIATION** for each of you to qualify for this exemption. *Note that if your municipality is situated in two counties, you must also coordinate this calculation with that other county.*

I have also summarized below how this calculation is made:

From Wisconsin Statutes 43.64

1. Divide the amount of tax levied by the county for public library service in the prior year by the equalized valuation of property in that area of the county that was subject to the county property tax levy for public library services in the prior year.
2. Multiply the amount determined above by the equalized valuation of property in the city, village, town, or school district for the current year.

Your municipal governing body must also pass a resolution annually requesting an exemption from the county library tax. Section 43.64 of the Wisconsin Statutes requires this procedure to avoid double taxation of your municipality for library purposes.

The County Clerk's office calculates the tax assessment in the middle of November. Please have your resolution acted upon and mailed to arrive by November 1st. If it is not on file when the tax assessment is calculated, your municipality will be taxed as required by Wisconsin Statutes.

An electronic copy of the sample resolution is attached.

If you have any problems or questions concerning this, please feel free to contact me at 920-674-7142.

Sincerely,

Marc A. DeVries, CPA
Finance Director
Jefferson County



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	Ordinance Creating Licensing of Short-Term Rentals (Airbnb, Vrbo etc)
Staff Contact (name, email, phone):	Llana Dostie, ldostie@whitewater-wi.gov , 262-473-0144

BACKGROUND

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

Common Council person Lisa Dawsey Smith requested an ordinance be created to allow for the licensing of short-term rentals such as Airbnb's, Vrbo etc. on August 8, 2023. This was requested after an ad for a property here in Whitewater was listed on the website for Airbnb.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None

FINANCIAL IMPACT

(If none, state N/A)

None

STAFF RECOMMENDATION

First reading. A second reading is advised to allow for time to incorporate changes.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Draft of proposed Short-Term Rental Ordinance

ORDINANCE No. 2065
AN ORDINANCE CREATING CHAPTER 5.39 LICENSING OF SHORT-TERM
RENTALS

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

SECTION 1. Whitewater Municipal Code Chapter 5.39 is hereby created to read as follows:

5.39.010 – Licensing of Short-Term Rentals

(1) Definitions.

- (a) For the purpose of administering and enforcing this section, the terms or words used herein shall be interpreted as follows:
 - 1. Words used in the present tense include the future.
 - 2. Words in the singular number include the plural number.
 - 3. Words in the plural number include the singular number.
- (b) The following definitions apply unless specifically modified:
 - 1. City Clerk – The City Clerk of the City of Whitewater or their designee.
 - 2. Corporate Entity – A corporation, partnership, limited liability company, or sole proprietorship licensed to conduct business in this state.
 - 3. Residential Dwelling Unit – One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family. Residential Dwelling Units include any residential dwelling, tourist rooming house, seasonal employee housing and dormitory units.
 - 4. License – The Short-Term Rental License issued under section 5.39.010(3)
 - 5. Owner – The owner of a short-term rental.

6. Person – Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.
7. Property Manager – Any person that is not the property owner and is appointed to act as agent and/or provides property management services to one or more short-term rentals.
8. Short-Term Rental – A residential dwelling unit that is offered for rent for a fee for not less than seven (7) days nor more than 29 consecutive days, as defined in Wis. Stat. § 66.0615(1)(dk).
9. State – The State of Wisconsin Department of Health or its designee.

(2) Operation of Short-Term Rentals

- (a) No residential dwelling unit may be rented for a period of six (6) or fewer days.
- (b) No person may maintain, manage, or operate a short-term rental more than ten (10) nights each year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.
- (c) Each short-term rental is required to have the following licenses and permits:
 1. A Wisconsin Rooming House License;
 2. A seller's permit issued by the Wisconsin Department of Revenue pursuant to Wis. Stat. §§ 77.53(3m) and 77.523(1);
 3. A City license issued pursuant to the provisions of this Section.
- (d) Each short-term rental shall comply with all of the following:
 1. The maximum number of allowable rental days within any consecutive 365-day period shall not exceed 180 consecutive days.

2. The Property Owner or Property Manager shall notify the City Clerk in writing when the first rental within a 365-day period begins.
3. No vehicular traffic shall be generated that is greater than normally expected in a typical residential neighborhood.
4. There shall not be excessive noise, fumes, glare, or vibrations generated during the use.
5. Name plates or other signage shall not exceed one (1) square foot. No other signage advertising the short-term rental is permitted on site. Off-site advertising in media channels relating to the availability of the rental may take place only after the City and County licenses have been obtained.
6. The maximum number of occupants in any residential dwelling unit shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable county and city housing regulations based upon the number of bedrooms in each unit.
7. No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on any residential dwelling unit site as a means of providing additional accommodations for paying guests or other invitees.
8. Any outdoor event held at a short-term rental shall last no longer than one (1) day and shall not occur before 8:00 a.m. and shall not continue after 10:00 p.m. Any activities conducted at a short-term rental shall be in compliance with other noise regulations of the City of Whitewater.
9. All short-term rentals shall be subject to payment of the City of Whitewater room tax at the current applicable rate. Property owners or property managers holding the short-term rental license for a residential dwelling unit are responsible for complying with all room tax requirements as set forth at section 3.12.020 and 3.12.030 of this Code.
10. Compliance with all applicable state, county, and local codes and regulations is required.
11. The property Owner's or property manager's contact information must be on file with the City Clerk at the time of application. The Property Owner or Property Manager must be within 25 miles of the short-term rental property and must be available 24 hours a day. The

Property Owner must notify the City within 24 hours of a change in management contact information for the short-term rental.

12. Short-term rental licenses are issued for a one- (1-) year period and must be renewed annually, on April 30th, subject to City approval or denial.
13. The Property Owner or Property Manager of the short-term rental shall have appropriate insurance for the residential dwelling unit that is used for short-term rental and provide proof of insurance with the license application and renewal.
14. Each short-term rental shall maintain the following written records for each short-term rental of the residential dwelling unit: the full name and current address of any person renting the property, the time period for that rental, and the monetary amount or consideration paid for that rental (the "Register"). A copy of the quarterly Register shall be filed with the quarterly room tax returns required by section 3.12.030 of this Code and a copy of the annual Register shall be filed with the annual room tax return required by section 3.12.030 of this Code.

(3) Short-Term Rental License Required.

- (a) The City Clerk shall issue a short-term rental license to all applicants following the approval of an application and the filing of all documents and records required under this Section. The application shall contain the following information:
 1. Identify the Property Owner with contact information including mailing address, physical address, email address and 24-hour phone number;
 2. Identify the Property Manager, if applicable, with contact information including mailing address, physical address, email address and 24-hour phone number;
 3. The Property Owner or Property Manager shall designate on the application when the first rental within a 365-day period begins.
 4. Subject to City Clerk approval, the Property Owner or Property Manager shall designate on the application when the license term is requested to commence and when the 365-day rental period expires; and
 5. Wisconsin Tourist Rooming House License number.

(4) Short-Term Rental License Procedure

- (a) All applications for a short-term rental license shall be filed with the City Clerk on forms provided. Applications must be filed by the Property Owner or duly authorized Property Managers. No permit shall be issued unless the completed application is accompanied by payment of the required fee.
- (b) Each application shall include the following information and documentation for each short-term rental:
 - 1. A copy of the Wisconsin Tourist Rooming House License.
 - 2. Proof of Insurance.
 - 3. A copy of a seller's permit issued by the Wisconsin Department of Revenue pursuant to Wis. Stat. §§ 77.53(3m) and 77.523(1).
 - 4. Floor plan and requested maximum occupancy.
 - 5. Site plan including available on-site parking.
 - 6. Property Management Agreement (if applicable).
 - 7. Designation of the Property Manager.
 - 8. Certification from the Property Owner or Property Manager that the property meets the requirements of this Section.
- (c) License Terms and Filing Date. Each license shall run for a term of one (1) year commencing on April 1st. The filing fee shall be paid upon filing of the application. The City Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all information and documentation shall not be considered complete.
- (d) Application Review Procedure – When satisfied that the application is complete, the City Clerk shall forward initial applications for licenses to the City Manager, or their designee, for review. If the City Clerk, in consultation with the City Manager, determines that the application meets the requirements of this Section, the City Clerk may approve the application. If the City Clerk, in consultation with the City Manager, determines that the application does not meet the requirements of this Section, the City Clerk may deny the application.

- (e) No permit or license shall be issued, if the applicant or property has outstanding fees, taxes or forfeitures owed to the City of Whitewater, unless arrangements for payment have been approved by the City Clerk.
- (5) License Renewal.
- (a) Each application for a renewal of a license shall include updated information for the documentation on file with the City Clerk and payment of the applicable fee. The City Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Section. The City Clerk shall request reports from the City of Whitewater Police Department regarding any complaints received, calls for service or actions taken regarding the short-term rental properties. The City Clerk shall issue renewal licenses within 30 days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section and/or the reports from the Police Department indicate that there are complaints or actions involving the property.
 - (b) If the City Clerk finds that the license should not be renewed, the City Clerk shall deny the renewal.
 - (c) No license shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the City, or is under an order issued by the Building Inspector, or their designee, to bring the premises into compliance with City ordinances, unless arrangements for payment have been approved by the City Clerk.
- (6) Property Manager Permit Required.
- (a) Property Manager Permit. No person may act as a Property Manager for a short-term rental without a Property Manager Permit issued in accordance with the provisions of this Section. The Property Manager Permit shall apply to all short-term rentals for which the Property Manager has exclusive rights for the rental of the property. The Property Manager must certify to the City that each short-term rental operating under a short-term rental license and under management by the Property Manager complies with the standards of this Section.
 - (b) Property Manager Qualifications. To qualify as a Property Manager the applicant must be a natural person residing in or within 25 miles of the City of Whitewater or other legal entity with offices located within 25 miles of the City of Whitewater.
 - (c) Each Property Manager shall be authorized by the Property Owner to act as the agent for the owner for the receipt of service of notice of violation of

this Section's provisions and for service of process pursuant to this Section and shall be authorized by the owner to allow City employees, officers, and their designees, to enter the owner's property for purposes of inspection and enforcement of this Section and/or the City of Whitewater Municipal Code.

- (d) Permit Term and Filing Date. Each permit shall run for a term of one (1) year. The filing fee shall be paid upon filing of the application. The City Clerk may conditionally accept late applications, subject to payment of the late filing fee. Any application which does not include all information and documentation shall not be considered complete.
- (e) Permit Renewal. Each application for a renewal of a permit shall include updated information for the documentation on file with the City Clerk and payment of the applicable fee. The City Clerk shall verify that the information provided on the renewal application is complete and in accordance with the requirements of this Section. The City Clerk shall request reports from the City of Whitewater Police Department regarding any complaints received, calls for service or actions taken regarding any of the short-term rental properties managed by the Property Manager. The City Clerk shall issue renewal permits within 30 days of the filing of the application unless the information provided is incomplete or otherwise not in compliance with the requirements of this Section and/or the reports from the Police Department indicate that there are complaints or actions involving the Property Manager.

(7) Standards for Short-Term Rentals.

- (a) Each short-term rental shall comply with the following minimum requirements:
 - 1. One (1) internal bathroom for every four (4) occupants.
 - 2. Not less than 150 square feet of floor space for the first occupant thereof and at least an additional 100 square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room area. Floor space is determined using interior measurements of each room. Floor space does not include kitchens, bathrooms, closets, garages, or rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two (2) people.
 - 3. Not less than one (1) onsite off-street parking space for every four (4) occupants based upon maximum occupancy.

4. A safe, unobstructed means of egress from the short-term rental leading to safe, open space at ground level.
5. Shall have functional smoke detectors and carbon monoxide detectors in accordance with the requirements of Chapter SPS 321 of the Wisconsin Administrative Code.
6. Shall not have an accessible wood burning fireplace unless the property owner provides a certificate from a properly licensed inspector, dated not more than 30 days prior to submission of the short-term rental application or renewal, certifying that the fireplace and chimney have been inspected and are in compliance with National Fire Prevention Association Fire Code Chapter 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.
7. Shall not have a hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking or any other purpose on any balcony, deck or under any overhanging structure or within ten (10) feet of any structure.
8. Shall not have a fire pit or other similar device used for heating or any other purpose on any balcony, deck or under any overhanging structure or within 25 feet of any structure.
9. All Property Managers shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than \$300,000.00 per individual occurrence and not less than \$1,000,000.00 in the aggregate.
10. Certification of Compliance. As a condition of issuance of a license under this Section, the Property Owner or Property Manager shall certify that each property is in compliance with the terms and conditions of the license and this Section.

(8) Room Tax.

- (a) Each Property Owner or Property Manager shall file room tax returns for the short-term rentals and shall comply with all room tax requirements of section 3.12.020 of the Municipal Code.
- (b) All room tax returns and supporting documentation filed pursuant to section 3.12.020 of the Municipal Code are confidential and subject to the protections provided under Wis. Stat. §§ 66.0615(3) and 77.61.

(9) Display of License. Each license shall be displayed on the inside of the main entrance door of each short-term rental.

(10) Appeal and License or Permit Revocation

(a) The denial of any license or permit application or renewal under this Section may be appealed by filing a written appeal request with the City Clerk within ten (10) days of the City's notice of denial. The appeal shall be heard by the Plan & Architectural Review Commission, which shall make a recommendation to the Common Council. The Common Council shall consider the application or renewal and recommendations and may approve or deny the application or renewal.

(b) A license or permit may be revoked by the Common Council for one (1) or more of the following reasons:

1. Failure to make payment on taxes or debt owed to the City.
2. Failure to make payment on any City of Whitewater room tax.
3. Two (2) or more calls in any 12-month period for police services, Whitewater Fire Department services, building code violations, nuisance activities or other ordinance violations as defined in the Municipal Code.
4. Failure to comply with annual City building inspection requirements.
5. Failure to maintain all required local, county, and state licensing requirements.
6. Failure to comply with any applicable zoning regulations as described in Chapter 19 of the Municipal Code of Ordinances.
7. Any violation of local, county or state laws that harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

(11) Penalties

(a) Any person who shall violate any provision of this Section shall be subject to a penalty as provided in Section 5.31.010 (11b) of this Municipal Code and the forfeiture amounts as provided for in the bond schedule for the City of Whitewater.

- (b) Penalties set forth in the section shall be in addition to all other remedies of injunction, abatement, or assessment of costs whether existing under this section or otherwise.

(12) Fees

Initial Short-Term Rental application fee	\$150.00
Renewal of Short-Term Rental License fee	\$75.00
Late-Filing feeshall be two times (2x) the applicable fee	
Initial Property Manager Permit application fee	\$100.00
Renewal Property Manager Permit fee	\$75.00”

Section 2. **Repeal of Code.** All ordinances or parts of ordinances heretofore adopted by the City of Whitewater in conflict herewith are hereby repealed.

Section 3. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 4. **Effective Date.** This Ordinance shall take effect upon publication as required by law.

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

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk

ORDINANCE No. 2066
AN ORDINANCE CREATING CHAPTER 5.85 CONVENIENT CASH BUSINESSES

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

SECTION 1. Whitewater Municipal Code Chapter 5.85 is hereby created to read as follows:

5.85.010 – Convenient Cash Business

A. Purpose.

1. The purpose of this section is to provide for the regulation of convenient cash businesses and other similar establishments pursuant to § 138.09 or 218.05, Wis. Stats.
2. It is recognized that convenient cash businesses have the potential to be harmful to the public welfare, both in regards to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating convenient cash services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of convenient cash services that may result in the displacement of other necessary commercial and financial services.
3. Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, convenient cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime and the negative effects of their proliferation, the common council finds that the health, safety and welfare of the residents of the City of Wauwatosa should be protected by legislation limiting the geographic proliferation of convenient cash businesses.
4. It is therefore the intent of this ordinance to regulate the locations and hours of operation of convenient cash businesses in the City of Whitewater.

B. Location and Operation of Convenient Cash Businesses.

1. Convenient cash businesses may not be located within 2,500 feet of any other convenient cash business.
2. Convenient cash businesses may not be located within 250 feet of a residential district, as measured by the shortest line between the parcel to be occupied by the proposed convenient cash facility and the property line of the nearest R-zoned property.
3. Convenient cash businesses may not operate between the hours of 9:00 p.m. and 9:00 a.m.

4. Businesses must keep a glass entrance and exit doors with all windows clear of any signs or advertisements.
5. The building or portion thereof that is dedicated to the convenient cash use must have a minimum size of 1,500 square feet of building floor area.
6. All convenient cash businesses must purchase and provide to the City of Whitewater, based upon specifications provided by the city, one outdoor surveillance camera and wireless subscription module (total cost not to exceed \$5,000) to be positioned in close proximity to the business at a location determined by the city. The city will be the owner of this equipment and be responsible for its repair and maintenance.
7. The applicant must provide a security plan that addresses the following:
 - a. limits on amount of cash immediately available for withdrawal;
 - b. lighting plan for the business showing both exterior and interior lighting;
 - c. plans for maintaining visibility into the interior of the check cashing facility;
 - d. plans for security of the check cashing area of the facility;
 - e. a program for graffiti and litter abatement;
 - f. hours of operation; and
 - g. use of security guards and cameras.
8. The convenient cash business should work with the city and the police department to allow specific access by the police department to interior security cameras in the event of an emergency.
9. Conditional use permit application fees for businesses regulated pursuant to this section must be increased above normal fees in an amount sufficient to fund notices to all property owners within 250 feet of the parcel on which the proposed convenient cash business is to be located.

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

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	Ordinance 2067
Staff Contact (name, email, phone):	Llana Dostie, ldostie@whitewater-wi.gov

BACKGROUND

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

Llana Dostie discovered that when Title 20 was presented to Common Council on August 15, 2023 that Chapter 1.28 Right of Entry for Inspection was in the packet. For transparency purposes this chapter should have been given its own ordinance number.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

The city is contracting with Schwark. A streamlined process and an ordinance with some weight behind it will allow for easier enforcement.

STAFF RECOMMENDATION

First reading. Second reading is up to the council.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Ordinance 2067

ORIDINANCE NO. 2067

AN ORDINANCE REVISING Chapter 1.28 RIGHT OF ENTRY FOR INSPECTION

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

SECTION 1. Whitewater Municipal Code Chapter 1.28 Right of Entry for Inspection hereby revised to read as follows:

Chapter 1.28 RIGHT OF ENTRY FOR INSPECTION

1.28.010 Right of entry for inspection.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the city, any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Ord. 718 § 1, 1972: prior code § 1.28).

1.28.020 Access to exterior property

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

Chapter 1.29 REINSPECTION FEE CHARGES¹

1.29.010 General provisions.

- (a) Purposes. The purposes of this chapter are as follows:
- (1) To assist the city in paying the cost of enforcing its housing, zoning, property-related and other codes;
 - (2) To promote the appropriate regulation and control of buildings and real estate in the city;
 - (3) To protect and provide for the public health, safety, and general welfare of the city;
 - (4) To help protect the character and the social and economic stability of the city;
 - (5) To help protect the value of land and buildings in the city;
 - (6) To help remedy problems associated with real estate related code violations in the city.
- (b) Findings. In enacting the ordinance codified in this chapter, the city council finds that the cost of enforcement of the city codes related to zoning, housing and building regulation and other ordinances is greater than the estimated revenues from reinspection fees expected to be received under this chapter.

(Ord. No. 1686A, § 1. 6-3-2008)

1.29.020 Reinspection fee.

- (a) To compensate for inspection and administrative costs, a fee of \$75.00 may be charged to the owner or occupant of property for any reinspection by a city of Whitewater staff member, employee, or officer to determine compliance with an order to correct conditions in violation of the following Whitewater Municipal Code provisions: Title 5 (Business Licenses and Regulations), Title 7 (Public Peace, Safety and Morals, only sections 7.18 Cisterns and Other Openings, 7.20 Vibration and Air Pollution, 7.22 Weeds and Grass, 7.23 Littering, 7.24 Prohibited Discharges, and 7.48 Storing Junk on Property), Title 8 (Health and Safety), Title 9 (Animals), Title 11 (Vehicles and Traffic), Title 12 (Streets, Sidewalks and Public Grounds), Title 14 (Buildings and Construction), Title 16 (Water and Sewers), Title 18 (Land Division and Subdivision), Title 19 (Zoning), and Title 20 (Property Maintenance). Except no fee shall be charged for the reinspection when compliance is recorded. A fee of \$100.00 may be charged for a second reinspection, a fee of \$200.00 for a third reinspection and a fee of \$400.00 for each subsequent reinspection for the same

¹Editor's note(s)—Ord. No. 1686A, § 1, adopted June 3, 2008, amended Ch. 1.29, in its entirety, to read as herein set out in §§ 1.29.010 and 1.29.020. Prior to inclusion of said ordinance, Ch. 1.29 pertained to similar subject matter. See also the Code Comparative Table and Disposition List.

condition. A reinspection fee may also be charged when a city staff member, employee, or officer finds a condition which is similar to a condition which was subject to a correction order within one year prior to the inspection. Reinspection fees shall be charged against the real estate upon which the reinspection's were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge. If there has been a change of ownership or occupancy after the city issues a correction order, the neighborhood services director may waive the reinspection fee if in his or her opinion the new owner or occupant was not aware of the prior order to correct a violation or condition.

- (b) To compensate for inspection and administrative costs, a \$50.00 fee may be charged for any inspection or reinspection when a contractor or property owner requests an inspection for permit-related work and the work is not ready at the time of the requested inspection. Failure to pay reinspection fees after one notice may result in withholding future permits.
- (c) Any property owner or lessor receiving a fourth offense reinspection fee, for the same violation, may have the payment of the fee waived if the party or his or her representative personally meets with the neighborhood services director, or with his or her city designee, within seven days of receipt of the notice of the fee imposition. At the meeting the neighborhood services director and owner shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the neighborhood services director, or his or her designee, a detailed written abatement plan designed to forthwith and effectively correct the offense that caused the imposition of the fee. If the plan meets the neighborhood services director's approval, the fee shall be waived upon successful completion of the plan. The neighborhood services director shall notify the party that receives a fourth offense reinspection fee of the availability of this abatement process.

(Ord. No. 1686A, § 1. 6-3-2008; Ord. No. 1730A, § 1, 5-19-2009)

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

Seconded by Council Member _____

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk



Council Agenda Item

Meeting Date: September 5, 2023

Agenda Item: Ordinance 2067

Staff Contact (name, email, phone): Llana Dostie, ldostie@whitewater-wi.gov

BACKGROUND

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

Llana Dostie discovered that when Title 20 was presented to Common Council on August 15, 2023 that Chapter 8.12 Filth was in the packet. For transparency purposes this chapter should have been given its own ordinance number.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

The city is contracting with Schwark. A streamlined process and an ordinance with some weight behind it will allow for easier enforcement.

STAFF RECOMMENDATION

First reading. Second reading is up to the council.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Ordinance 2068

ORDINANCE NO. 2068

AN ORDINANCE REVISION CHAPTER 8.12 FILTH

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

SECTION 1. Whitewater Municipal Code Chapter 8.12 Filth hereby revised to read as follows:

Chapter 8.12 FILTH¹

Sections:

8.12.010 Removal by property owner—Order.

The owner, occupant or person in charge of every building, place or premises in the city is required to keep the same in good sanitary condition, free from nauseous odors, and shall thoroughly cleanse the same or any part thereof when ordered by the city to do so, in the manner and in the time required by the city; and whenever any privy, vault, cesspool or place of deposit of excrement, filth, manure, or other refuse shall be so located that in the opinion of the city the same probably contaminates well or river water, or otherwise endangers the public health, the city may forthwith order the owner of the premises where the same may be, or the person having the control of the depositing of such matters therein, to discontinue its use for such purposes and remove the filth or other refuse there deposited within six hours, or before the building or business responsible ceases operational hours for the day in which the violation was deposited; and the future use of such place as a place of deposit for such matters is forbidden.

(Ord. 1305 § 1, 1995: prior code § 7.03).

8.12.020 Noncompliance with order—Payment of costs.

If the city orders any person to remove or abate any nuisance, source of filth, or cause of disease and such person refuses or neglects to obey such order, the city may cause such order to be executed, and the person so refusing or neglecting to obey any such order shall pay to the city all expenses necessarily incurred in the execution of such order as well as any administrative fees.

¹ For the statutory provisions defining "nuisance" and granting powers of abatement and power to impose a penalty therefor, see WSA § 146.14.

(Ord. 1305 § 2, 1995: prior code § 7.04).

8.12.030 Penalty for violation.

Anyone found guilty of violating the provisions of this chapter shall pay a penalty of not less than four hundred dollars, together with the costs of removal specified in Section 8.12.020, together with the costs of prosecution.

(Ord. 983 § 30, 1982).

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

Seconded by Council Member _____

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk

ORIDINANCE NO. 2069
AN ORDINANCE REVISION CHAPTER 14.05 BUILDING MAINTENANCE CODE AND
DEWELLING STANDARDS

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

SECTION 1. Whitewater Municipal Code Chapter 14.05 Building and Maintenance Code and Dwelling hereby revised to read as follows:

Chapter 14.05 BUILDING MAINTENANCE CODE AND DWELLING STANDARDS

Sections:

14.05.010 Legislative findings.

The common council finds that there exists, and may in the future exist, within the city, buildings or structures that are likely to affect, by reason of their maintenance or lack of maintenance, the health, safety and general welfare of the citizens of this community. It is declared that there is a need for the establishment of certain standards relating to the maintenance and repair of buildings, structures and surrounding areas. It is further declared that failure to maintain buildings and surrounding areas in a reasonable state of repair affects the value of other properties in the area, and adversely affects the environment and living conditions in the area.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.020 Purpose.

- (a) It is the purpose of this chapter to improve and/or protect the visual image of the city.
- (b) It is also the purpose of this chapter to establish and enforce health, safety and welfare standards in order to promote the general welfare of the people.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.030 Applicability.

- (a) The provisions of this chapter shall apply uniformly to the maintenance, use and occupancy of all buildings, structures and premises within the jurisdiction of the city irrespective of when originally constructed or rehabilitated.

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- (b) However, any legally established use or structure existing prior to the effective date of this title that does not conform with the provisions of this title because of size of rooms, size of windows, height of ceilings or other basic structural dimensions shall be considered a legal nonconforming use under the provisions of Chapter 19.60 of this code. However, such nonconforming use of the structure shall not be extended, enlarged, moved or structurally altered except when required to do so by law or order, or so as to comply with the provisions of this title. Normal maintenance is permitted. This provision shall not be interpreted to disallow the extension or enlargement of a structure in respect to those dimensions that are or may still be in conformance with this title so long as such extensions or enlargements do not thereby create additional nonconforming dimensions.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.040 Warning and disclaimer of liability.

The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes. This chapter does not imply that compliance will result in freedom from damages nor shall this chapter create a liability on the part of or a cause of action against the city or any officer or employer for any damage that may result from reliance on this chapter. Lack of enforcement of the standards, rules and regulations contained herein shall not create a liability on the part of the city or its officers and agents notwithstanding the issuance of permits or inspection of the premises.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.50 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. Words and phrases not herein otherwise defined shall have the meanings accepted by common usage in other city and state of Wisconsin Codes and Statutes or the common definition set forth in a standard dictionary.

- (1) "Accessory use or structure" means a use or detached structure subordinate to the principal use of structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure.
- (2) "Appropriate Authority" means that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code, or their designated representative.
- (3) "Approved" means approved by the local or state authority having such administrative authority.
- (4) "Building Inspector" means the person vested with the authority and responsibility by the city to enforce this chapter.

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- (5) "Central heating system" means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.
 - (6) "Chimney" means a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.
 - (7) "Dwelling" means any enclosed space wholly or partly used or intended to be used for living and sleeping, whether or not cooking and eating facilities are provided; manufactured housing and modular construction, which conform to nationally accepted industry standards and used or intended for use for living and sleeping purposes shall be classified as dwellings. (See definition of "unit").
 - (8) "Flush water closet" means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water-sealed trap under the floor level.
 - (9) "Grade" means the average finished level of the adjacent ground.
 - (10) "Guest" means an individual who shares a dwelling unit in a nonpermanent status for not more than thirty days in a six-month period.
 - (11) "Habitable room" means a room or enclosed floor area used or intended to be used for living or sleeping purposes excluding bathrooms, water closet compartments, basement laundries, furnace rooms, utility rooms of less than fifty square feet of floor space, communicating corridor stairways, closets, storage spaces, unheated areas and workshops and hobby areas below ground level.
 - (12) "Heated water" means water heated to a temperature of not less than one hundred ten degrees at the outlet.
 - (13) "Occupant" means any individual having possession of a premises or any individual over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit; except that in dwelling units a guest shall not be considered an occupant.
 - (14) "Operator" means any person who has charge, care, control, or management of a building, or part thereof, in which building units are let.
 - (15) "Owner" means any person who, alone or jointly or severally with others:
 - (A) Has legal title to any premises, building, or building unit, with or without accompanying actual possession thereof; or
 - (B) Has charge, care or control of any premises, building, or building unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
 - (16) "Person" means and includes any individual, firm, corporation, association, partnership, cooperative or governmental agency.
 - (17) "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes,

water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catchbasins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas lines.

- (18) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plat of land, either occupied or unoccupied by a dwelling or nondwelling structure, and includes any such building or part thereof, accessory structure or other structure thereon.
- (19) "Privacy" means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interference, either by sight or sound by other individuals.
- (20) "Rodent and/or animal pest-proofing" means a form of construction which will prevent the ingress or egress of rodents and/or animal pests to or from a given space of building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rodents and/or animal pests by climbing, burrowing or other methods, by the use of materials impervious to rodent-gnawing and other methods.
- (21) "Supplied" means paid for, furnished by provided by, or under the control of the owner, operator, or agent.
- (22) "Unit" means a room or group of rooms located within a building forming a single habitable or business unit or any other part of a premise controlled by another.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.60 Responsibilities of owners and occupants.

- (a) Every occupant of a premises unit shall keep all installed heating, ventilating, electrical and plumbing fixtures in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (b) In every dwelling unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-seven degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of forty-eight inches above the floor level, under average minimum winter temperatures.
- (c) No owner, operator or occupant of a building, building unit, or premises shall suffer, permit or allow any condition which may be dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.70 Minimum standards for basic equipment and facilities.

No person shall occupy as owner, occupant or let to another for occupancy, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit having a kitchen or kitchenette shall be equipped with the following:
 - (A) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
 - (B) Cabinets and/or shelves for the storage of eating, drinking and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
 - (C) A stove or similar device for cooking food, and a refrigerator or similar device, for the safe storage of food at temperatures less than fifty degrees Fahrenheit but more than thirty-two degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied. Repair, maintenance and replacement of the appliances shall be the responsibility of the owner of the appliance.
- (2) Within every dwelling unit there shall be a non-habitable room which affords privacy to anyone within said room and which is supplied with a flush water closet in good working condition and within every dwelling unit let to another there shall be one such closet for each ten persons or fraction thereof. Said flush water closet shall be equipped with easily cleanable surfaces, and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and to a sewer system which is approved by the appropriate authority.
- (3) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink, may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be placed in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the appropriate authority.

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- (4) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as flush water closet or in another room and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated water under pressure.
 - (5) Every dwelling unit in a one-story or two-story dwelling shall have at least two approved means of egress leading to a safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress leading to a safe and open space at ground level, or as otherwise permitted by the laws of this state and the city.
 - (6) All stairway landings, platforms, roof decks or similar elevations or depressions more than two feet above or below adjacent grade or floor level shall have a guard rail on the open sides thereof, at least thirty-six inches in height, with an intermediate rail at midheight or vertical rails at eleven inches maximum spacing on center. Stairways on the outside of buildings and an integral part thereof, having more than three risers, shall have a handrail on each side. Alternate systems providing at least the same degree of protection, approved by the appropriate authority shall be acceptable.
 - (7) Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit, except common areas provided for such purpose.
 - (8) No person shall let to another for occupancy any dwelling or dwelling unit unless each exterior door of the dwelling unit is equipped with a safe, functioning locking device.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.80 Minimum standards for light, ventilation and electricity.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling unit, for the purpose of living therein, which does not comply with the requirements of this section.

- (1) Every habitable room shall have at least one window or skylight facing outdoors; provided, that if connected to a room or area used seasonally (e.g., porch), then adequate daylight must be possible through this interconnection. The minimum total window or skylight area, measured between stops, for such room shall be at least eight percent of the floor area.
- (2) Fifty percent of the minimum window area size or minimum skylight type of window size, as required in subsection 1 of this section, shall be easily opened except where there is supplied some other device affording adequate ventilation which is approved by the appropriate authority.
- (3) Every bathroom and water closet compartment and nonhabitable room used for food preparation shall comply with the light and ventilation requirement for habitable rooms contained in this section except that no window or skylight shall be required in such

rooms if they are equipped with a ventilation system in working condition which is approved by the appropriate authority.

- (4) Every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed and maintained in good and safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the city. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:
 - (A) Floor or Wall Type Electrical Outlets.
 - (i) Kitchen. One floor or wall electrical outlet for each sixty square feet or fraction thereof of total floor area and in no case less than three such outlets;
 - (ii) Bedroom, Living Room, Dining Room. Two floor or wall type electric outlets for the first ninety-nine square feet or fraction thereof and an additional outlet for each additional fifty square feet or fraction thereof;
 - (iii) Bathroom, Water Closet Compartment, Utility Room and Workshop. One floor or wall type electric outlet for each room.
 - (B) Electric Light Fixtures. Every bathroom water closet compartment, kitchen, kitchenette, laundry room, furnace room, utility room, foyer, communicating corridor, and interior stairway, shall contain at least one electric light fixture with convenient switches or equivalent devices for turning on one light in each room or passageway located so as to permit the area ahead to be lighted.
- (5) Every public hall and stairway in every multiple dwelling containing more than three units shall be adequately lighted by natural or electric light at all times. Every public hall and stairway in structures containing not more than three dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of fulltime lighting.
- (6) However, any legally established electrical fixtures and outlets or arrangement of electrical fixtures and outlets existing prior to the effective date of this title shall be considered a legal nonconforming use under the provisions of Chapter 19.60 of this code.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.90 Minimum heating standards.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- (1) Every dwelling shall have heating facilities which are properly installed and are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-seven degrees

Fahrenheit at a distance of forty-eight inches above floor level under average minimum winter temperature.

- (2) No owner or occupant shall install, operate or use a means of heating employing a flame that is not vented outside the structure in an approved manner.

14.05.100 Maximum density, minimum space, use and location requirements.

No person shall occupy or let to be occupied any dwelling or dwelling unit for the purpose of living therein unless there is compliance with the requirements of this section.

- (1) The maximum occupancy of any dwelling let to another shall be limited by the following requirement: for each occupant at least one hundred twenty-five square feet of floor space, the floor space to be calculated on the basis of total habitable room area. "Occupant" shall not include any person under eighteen years of age, for the purpose of this subsection.
- (2) The ceiling height of any habitable room shall be at least seven feet, except that in any habitable room under a sloping ceiling at least one-half of the floor area shall have a ceiling height of at least seven feet and the floor area of that part of such room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- (3) No space located partially below grade shall be approved for use as a habitable room of a dwelling unit unless:
 - (A) The floor and those portions of the walls are of waterproof and dampproof construction;
 - (B) The minimum window area is equal to at least as required in Section 14.05.310 of this chapter and such window area is located entirely above the grade of the ground adjoining such window area, or if windows are located wholly or partly below grade, there be constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under the window and the minimum horizontal distance at a right angle from any point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the opening for the window;
 - (C) The total openable window area in each room is equal to at least the minimum as required under Section 14.05.310 of this chapter, except where some other approved devices affording adequate ventilation and humidity control are supplied;

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- (D) There are no pipes, ducts or other similar obstructions less than six feet eight inches above the floor level which interfere with the normal use of the room or area.
- (4) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least fifty-three square feet of floor space for each occupant thereof. Every room for sleeping purposes shall have immediate passage to at least four square feet of floor-to-ceiling height closet space for personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of sleeping room space used in determining permissible occupancy. For each occupant at least one hundred twenty-five square feet of floor space, the floor space to be calculated on the basis of total habitable room area. Occupant shall not include any person under eighteen years of age, for the purpose of this subsection.
- (5) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement, or cellar or to the exterior of the dwelling unit.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.110 Powers and duties of the building inspector.

- (a) The building inspector shall enforce the provisions of this chapter and is authorized and directed to make inspections when he has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been or is being committed.
- (b) For the purpose of making exterior inspections, the building inspector is authorized to examine and survey at all reasonable times during daylight hours the exterior portion of all buildings, structures or premises. Every owner or occupant shall give the building inspector free access to any said premises.
- (c) The building inspector may require any complainant reporting a violation of this chapter to submit the report in writing.
- (d) The building inspector or his designated representative having probable cause to believe a violation of this chapter exists, shall have authority to enter the interior of any such premises after at least a twenty-four-hour written notice has been given to the owner, or his agent and the occupant requesting an appointment for such entry and inspection. If, after such notice is given, access is denied by both the owner and occupant, the building inspector may apply to the Circuit Court for a special inspection warrant.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.120 Enforcement procedures.

Whenever the building inspector or designee determines that there is a violation of any provision of this chapter, notice of such violation shall be given to the person or persons responsible therefor, which shall:

- (1) Be in writing;
- (2) Indicate the nature of the violation(s);
- (3) Be served upon the owner or his/her agent, and the occupant or operator(s), as the case may require. Such notice shall be deemed to be properly served upon such owner, or his/her agent, and occupant, or operator, if a copy thereof is:
 - (A) Served upon him/her personally, or
 - (B) Sent by registered or certified mail to his/her last known address, and posted in a conspicuous place in or about the building or structure affected by notice;
- (4) State a reasonable amount of time, generally within thirty days, but not to exceed sixty days, unless there are extraordinary circumstances involved, to correct or abate the violation;
- (5) Advise the person served of the right to request a hearing before the board of zoning appeals to appeal the building inspector's order and that the notice shall become an order of the building inspector ten days after service unless such a hearing is requested.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.130 Repairs and other corrective action.

- (a) Whenever an owner, operator or agent of a premises or premises unit fails, neglects or refuses to make repairs, raze or remove, make safe by repairs or other corrective action called for, the building inspector may undertake such repairs or action when in the building inspector's judgment a failure to make them will endanger the public health, safety or welfare. If the owner fails to repair or remove a building which is dilapidated or blighted to the extent that such building, dwelling, or structure offends the aesthetic character of the immediate neighborhood or produces blight or deterioration by reason of such condition the building inspector may apply to the Circuit Court for an order determining that such building, dwelling, or structure constitutes a public nuisance and the defect shall be remedied.
- (b) Every owner, occupant, operator or agent of a premises or premises unit who has received notice of the intention of the building inspector to make repairs or take other corrective action shall give entry and free access to the agent of the building inspector for the purpose of making such repairs. Any owner, occupant, operator or agent of a dwelling or dwelling unit who refuses, impedes, interferes with, hinders, or obstructs entry to the premises pursuant to notice of intention to make repairs or take other corrective action shall be

subject to a civil penalty of a minimum of one hundred dollars plus court costs for each day said party fails to comply with this section.

- (c) When repairs are made or other corrective action taken at the direction of the building inspector and the owner, operator or occupant fails to pay for the expense of such repairs, the cost of such repairs and corrective action may be levied and collected as a special charge or special tax upon the lot or land on which such work is done.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.140 Applications for reconsideration, hearings and appeals.

- (a) Hearings.
 - (1) Any person who receives a notice from the building inspector issued in connection with any alleged violation of the provisions of this chapter or of any applicable rules and regulations pursuant thereto or any order requiring repair or demolition pursuant thereto or any order requiring repair or demolition pursuant to Section 14.05.410 of this chapter, may file with the city clerk of the city a petition to the board of zoning appeals for a hearing setting forth his/her reasons for contesting the notice or order.
 - (2) Such petition shall be filed with the city clerk within ten days after receipt of notice of violation.
 - (3) Upon receipt of a valid petition, the city clerk shall schedule the hearing within twenty days after receipt of the petition and notify the petitioner of the hearing date, time and location.
 - (4) At the hearing, the petitioner shall be given an opportunity to show cause why the notice or order should be modified or withdrawn or why the period of time permitted for compliance should be extended.
 - (5) The board of zoning appeals of the city shall have the power to affirm, modify or revoke the notice or order and may grant an extension of time for the performance of any act required where the board of zoning appeals of the city finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this chapter or by applicable rules or regulations issued pursuant thereto and that such extension is in harmony with the general purpose of this chapter to secure the public health, safety and welfare.
 - (6) The board of zoning appeals may grant variances from the provisions of this chapter or from applicable rules and regulations issued pursuant thereto when the board of zoning appeals finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this chapter and applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that an extension of time would not provide an appropriate remedy in the case at hand; that such variance is in harmony with the general purpose of this chapter to secure the public health, safety, and welfare.

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- (b) Appeals. Any person aggrieved by the final decision of the board of zoning appeals of the city may obtain judicial review by filing in a court of competent jurisdiction within twenty days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the board of zoning appeals which shall file with the court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of in whole or in part. The findings of the board of zoning appeals with respect to questions of act shall be sustained if supported by substantial evidence on the record, considered as a whole.

14.05.150 Emergencies.

Whenever in the judgment of the building inspector, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take appropriate action to correct or abate the emergency. If circumstances warrant, the building inspector, or designee may act to correct the emergency.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.160 Penalties.

Any person who is deemed to have notice and any owner, occupant, operator or agent of a building or premises or any person making use of a premises who has received a notice as provided in Section 14.05.410 and who fails, neglects or refuses to comply with, or permits violation of the ordinance provisions set forth in such notice at any time after the specified reasonable consideration period, or any person regardless of notice who fails to conform with these ordinance provisions shall be subject to a forfeiture of a minimum of one hundred dollars plus court costs for each day said party fails to comply with this section.

(Ord. 1217 (9/17/91) §1(part), 1991).

14.05.170 Conflict of ordinances—Effect of partial invalidity.

- (a) In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on the effective date of the ordinance codified in this chapter, the provision which established the higher protection of the health and safety of the people shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the city existing on the effective date of the ordinance codified in this chapter, which established a lower standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail.
- (b) If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining

portions of this chapter which shall remain in full force and effect and to this end the provisions of this chapter are hereby declared to be severable.

(Ord. 1217 (9/17/91) § 1(part), 1991).

14.05.180 Effective date.

This chapter is effective upon passage and publication as required by law.

(Ord. 1217 (9/17/91) § 1(part), 1991).

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

Seconded by Council Member _____

AYES:

NOES:

ABSENT:

ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk



Council Agenda Item

Meeting Date:

Agenda Item:

Staff Contact (name, email, phone):

BACKGROUND

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

Llana Dostie discovered after the first read of Title 20 Property Maintenance that Chapter 14.05 also covered Building Maintenance and Repair Standards. Allison Schwark with Municipal Code Enforcement proposed changes to 14.05 to tighten language and to mirror Title 20.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

FINANCIAL IMPACT

(If none, state N/A)

The city is contracting with Schwark. A streamlined process and an ordinance with some weight behind it will allow for easier enforcement.

STAFF RECOMMENDATION

First reading. A second reading is advised to all time to incorporate changes.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Drafted of proposed changes to 14.05.

ORIDINANCE NO.
AN ORDINANCE CREATING TITLE 20 PROPERTY MAINTENANCE

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

SECTION 1. Whitewater Municipal Code Title 20 is hereby created to read as follows:

A. INTENT, PURPOSES.

- (1) **Intent.** This Chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the City and its environs, including, but not limited to, physical, aesthetic, and monetary values. The establishment and enforcement of minimum standards of habitation and property conservation is necessary to preserve and promote the private and public interest.
- (2) **Purpose.** The purpose of this Chapter is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and non-residential buildings, structures, yards and vacant areas by adopting minimum standards. Attractive and well-maintained property will enhance the neighborhood and the City as a whole by maintaining physical, aesthetic and monetary values. With respect to rental housing, it is necessary to adopt minimum regulations regarding human habitation to protect the health, safety, and general welfare of tenants within the City.

B. APPLICABILITY.

- (1) **General.** The provisions of this Chapter shall apply to all properties and buildings within the City and its jurisdiction.

C. GENERAL MAINTENANCE REQUIRED; DEFINITION.

- (1) The exterior of all properties and premises including the open space of the property or premises shall be maintained in a clean, safe and sanitary condition, free from accumulation of any combustible or non-combustible materials, debris and refuse.
- (2) “Debris and refuse” shall include but not be limited to: broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; new and used lumber or other wood that is not part of a structure or that is not used as firewood and is not stacked or stored in a neat manner on the property; paper, rags, animal waste, cardboard, rubber, plastic, wire, tin and metal materials; discarded household goods or appliances, junk lawn mowers, snow blowers, tires, tire rims or used motor vehicle parts, machine parts, junked boats or junked recreational vehicles; tar paper residue from burning or similar materials which

constitute health, fire or safety hazards or any other materials that have a detrimental visual and aesthetic impact upon the neighborhood in which the property is located or the City in general, which tend to cause a blighted condition as defined under state law, or which emit a noxious, foul or offensive odor.

- (3) The provision of this section shall not apply to materials stored or maintained on a property in conjunction with any business, manufacturing or other use which meets applicable City ordinance including but not limited to fire, building and zoning code requirements and restrictions.

D. SPECIFIC MAINTENANCE REQUIRED.

(1) Exterior Walls and Foundations.

- (a) Every foundation and exterior wall shall be reasonably weather tight, rodent proof, insect proof and shall be kept in a good and sound condition and state of repair. The foundation elements shall adequately support the building at all points. Any sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breeching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (b) Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (c) All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.

- (2) Paint and Other Preservatives.** Exterior surfaces of buildings, fences and other structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. Missing or damaged siding shall be promptly replaced.

(3) Doors, Windows and Basement Hatchways.

- (a) Every window, screen, exterior door and basement hatchway shall be tight and shall be kept in a good and sound condition and state of repair. Every window sash shall be fully supplied with glass windowpanes or an approved substitute which is without open cracks or holes. Every window sash shall be in good condition and fit well within its frame.

- (b) Every exterior door, door hinge and door latch shall be maintained in a good and sound condition and state of repair. Exterior doors, when closed, shall fit well within their frames.
 - (c) **Insect screens.** During the period from April to October, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved, tightly fitting screens.
 - i. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
 - (d) **Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.
- (4) **Porches, Railings, Stairways, Decks, Balconies, Platforms and Patios.** Every outside stair, porch, balcony, platform, patio and appurtenance thereto, shall be so constructed to be safe to use and capable of supporting normal loads as required by the Building Code and shall be kept in a good and sound condition and state of repair.
- (a) **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (5) **Roofs and Drainage.**
- (a) All roofs shall be maintained so as not to leak and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, interior walls, eaves, soffits or foundations.
 - (b) All courts, yards or other areas on the premises shall be properly graded to divert water away from the building. Ground surface adjacent to the building shall be sloped away from the structure where possible and shall not cause nuisance water to flow onto neighboring properties.
- (6) **Fence and Retaining Wall Requirements.**
- (a) All fences shall be properly maintained and kept in a good and sound state of repair.
 - (b) Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause a repeated spillage

of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

- (7) **Exterior Property Areas.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, or physical hazards, rodent harborage and infestation, or animal feces.
- (8) **Grading and Drainage of lots.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the building stands shall be graded and drained so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.
- (9) **Landscaping.** All exterior property areas shall be kept free from noxious weeds as defined in Chapter 10 of these ordinances. Landscaping, plantings and other decorative surface treatments including common species of grass shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas.
 - (a) Landscaping material. No person shall accumulate, allow to accumulate or store landscaping material in an unused state and open to the public view for a period exceeding ten days.
- (10) **Decorative features.** Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (11) **Overhand extensions.** Overhand extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- (12) **Accessory structures.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are deteriorated or dilapidated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to, porches, terraces, entrance platforms, garages, driveways, carports, walls, fences, and miscellaneous sheds.
- (13) **Motor Vehicles.** Except as provided for in other regulations, inoperative or unlicensed motor vehicles, or motor vehicle parts shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantles. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

- (a) **Exception.** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- (14) **Residential yard parking regulations.** The parking of any vehicle upon a residential lot shall be in compliance with the following standards:
- (a) The parking of any vehicle within the front yard or (street) side yard shall be on an improved surface driveway or parking pad. Improved surface shall mean a surface of concrete, asphalt, or other material other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water runoff and is graded and drained to dispose of all surface water. The remainder of the required front yard setback, and the streetside yard setback on any corner lot, shall not be considered a part of the permitted parking area and shall be landscaped.
 - (b) No parking pad shall be allowed in the minimum front yard setback or minimum street side yard setback established for the district except that one additional parking pad up to ten feet wide may be added directly abutting a single-width or double-width driveway leading to an approved parking area, provided the parking pad shall not be located in front of a home.
 - (c) Parking is prohibited within a driveway right-of-way.
- (15) **Pools, Spas and Hot Tubs.**
- (a) **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
 - (b) **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.
 - i. **Exception.** If a hot tub is outfitted with a securely locking, tightly fitted cover, the hot tub will not require an enclosure.
- (16) **Storage and parking of recreational vehicles and trailers.** In all residential and commercial districts provided for in the zoning chapter, it is permissible to park or store a recreational vehicle, camper, trailer, watercraft or boat and boat trailer on private property in the following manner:
- (a) Parking is permitted inside any enclosed structure, which otherwise conforms to the zoning requirements of the particular zoning district where located.

- (b) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five feet to the lot line.
- (c) Parking is permitted outside on a hard-surfaced or well-graveled driveway.
- (d) No part of the unit may extend over the public sidewalk or public right-of-way.
- (e) No unit shall be parked on public streets, highways, intersections, or public land or parking lots for an extended period exceeding 48 hours.
- (f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling or cooking purposes.
 - b. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (g) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (h) The unit shall be owned by the resident on whose property the unit is parked for storage.
- (i) The number of units on any property within City jurisdiction shall not exceed two (2).

E. ACCESS TO PROPERTY.

After presenting proper identification, the Building Inspector, Neighborhood Services Officer, Code Enforcement Officer, or the Police Chief, or their respective deputies or designees, shall be permitted to enter upon any property at any reasonable time for the purpose of making inspections to determine compliance with this Chapter and related ordinances. If denied access, the Code Official may acquire a special inspection warrant for such access, pursuant to Sec. 66.0119, Wis. Stat., as amended from time-to-time.

F. ENFORCEMENT.

(1) **Enforcement.**

- (a) **Order to correct conditions.** Whenever the City, through its agents or employees shall, upon inspection of the premises within the City, find the condition of the property or premises is in violation of this Chapter, an order shall be issued to the owner (and occupant if different from owner) of the premises or property to correct said condition by the Building Inspector or designee.
- (b) Contents of the order shall include:
 - i. A description of the premises and the violation of the Chapter;

- ii. A statement of the correction necessary to bring the property into compliance;
- iii. A statement specifying the time within which the owner and occupant shall comply with the order; and
- iv. A statement of the penalty section of the ordinance for noncompliance.
- v. A statement specifying accessibility needs, and request for language translation.

G. SERVICE.

The order shall be served on the owner (and occupant if different from owner) by delivering the same to and leaving it with any adult competent person in charge of the premises or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place near the entrance of the premises and by regular mail to the owner and occupant of the premises.

H. FAILURE TO COMPLY; DECLARATION OF PUBLIC NUISANCE.

(1) **Failure to comply.**

- (a) **Citation.** Any person, firm or corporation violating any provision of this Chapter shall be subject to the general penalty provisions of this code found in Section 1.20 of the City’s Code of Ordinances. A citation may be issued pursuant to Sec. 1.20 of the City's Code or Ordinances.
- (b) **Cause work to be done.** Upon failure to comply with an order where there is proof of service of said order which requires that any premises or property be cleaned or condition abated or improved in accordance with this Chapter, the City may cause such cleaning, improvement, abatement or removal of the offending combustible or incombustible materials, debris or refuse. Such repair or removal shall be deemed a special benefit to such property and the costs of the same shall be charged against the owner(s) of the property. If the cost of the same is not paid within 60 (sixty) days, it shall be levied as a special charge against the property as authorized by Section 66.0627 of the Wis. Stat.
- (c) **Injunctive Relief.** In addition to other applicable enforcement procedures the City shall have the right to abate any violation of this Chapter by an action for injunctive relief in Walworth or Jefferson County Circuit Court.

(2) **Abatement**

- (a) Enforcement. The chief of police, the chief of the fire department, the building inspector, neighborhood services officer, or other designee shall enforce those provisions of this chapter that come within the jurisdiction of their offices and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does in fact exist.
 - (b) Summary abatement. If the inspecting officer shall determine that a public nuisance exists within the village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the president may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - (c) Abatement after notice. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (b) of this section.
 - (d) Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the state.
 - (e) Court order. Except when necessary under subsection (b) of this section, no officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (3) **Cost of abatement.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

I. REINSPECTION FEES

The following fees shall be imposed for the administration of this Chapter.

- (1) First re-inspection fee of \$75.00 per property upon verification of continued violation by City Building Inspector, Neighborhood Services Officer, Code Enforcement Officer or designee.

- (2) For a second reinspection, a fee of \$200.00
- (3) For a third reinspection a fee of \$400.00, and for each subsequent reinspection for the same condition.

If a property owner fails to pay such fees after billing, the City may impose such fees as against the property pursuant to applicable law and collect such charges on the property tax bill each year.

J. APPEAL

Any person affected by any notice or order which has been issued in connection with the enforcement of any of the provisions of this section may request and shall be granted a hearing before the Common Council. Requests for such hearing will be filed with the Clerk no later than 5 business days from the date of the final notice of the order.

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

Seconded by Council Member _____

AYES:
NOES:
ABSENT:
ADOPTED:

John Weidl, City Manager

Karri Anderberg, City Clerk

ORDINANCE No. _____
 AN ORDINANCE AMENDING SUBSECTION 11.16.150
 STREET INDEX OF PARKING RESTRICTIONS

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 is hereby amended by deleting from Subsection 11.16.150 the parking restrictions set forth below:

<u>S</u>	<u>Elizabeth St</u>	<u>East side, along entire frontage of 401 S Elizabeth (Middle School)</u>	<u>11.16.080</u>	<u>No Parking</u>
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SECTION 2. Whitewater Municipal Code Chapter 11.16 is hereby amended by adding to Subsection 11.16.150, the parking restrictions set forth below:

<u>S</u>	<u>Elizabeth St</u>	<u>East side, along entire frontage of 401 S Elizabeth (Middle School)</u>	<u>11.22.010</u>	<u>No Stopping, Standing or Parking</u>
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<u>S</u>	<u>Elizabeth St</u>	<u>East side, from the south property line of 401 S Elizabeth (Middle School) south to Walworth Avenue</u>	<u>11.22.010</u>	<u>No Stopping, Standing or Parking</u>
----------	---------------------	--	------------------	---

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

Seconded by Council Member _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

 John Weidl, City Manager

 Karri Anderberg, City Clerk



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	Elizabeth Street
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

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

Representatives have been asked to attend the Council meeting to answer questions from the Council.

Representatives from the Whitewater School District reached out to staff about the possibility of painting crosswalks on Elizabeth Street at Laurel Street and Court Street. The intention would be to provide a designated area for students to cross Elizabeth. The issue with adding crosswalks at these locations is that there is no sidewalk on the west side of Elizabeth Street. At a minimum, staff believes there should be a landing area, if a crosswalk was painted. An alternative suggested by staff is to install “No Stopping, Standing or Parking” signs at each curb ramp location. The signs at each location would encompass the area of the curb ramp and include the area occupied by existing hydrants. This would provide a larger area for students to better see approaching vehicles and vice versa when students cross at these intersections. The Police Department was consulted on the additional signage and are in favor of it.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee met on August 8, 2023 and recommended the No Stopping Standing Parking signs be installed to replace the existing No Parking signs currently in front of the Middle School Property. Additionally, the Committee recommended the area south of the Middle School property to Walworth Avenue on the east side of Elizabeth be signed for No Stopping Standing Parking.

FINANCIAL IMPACT

(If none, state N/A)

The cost to install additional signs would be minimal and completed by staff.

STAFF RECOMMENDATION

Staff has reached out to the School District, Police Department and sent letters to the four affected residents. Representatives may appear in person at the Council meeting or send comments to staff. Any comments received will be read aloud and into the record. Staff has no concerns with changing the signage in front of the Middle School to No Stopping Standing Parking as this area already is signed for No Parking. Staff does have some reservations about removing parking entirely, year round, especially when school is not in session, where parking currently exists.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Ordinance Amending 11.16.150



Proposed No Stopping, Standing, or Parking Signs

Legend
X Proposed Sign Locations

SEWRPC, Maxar, Microsoft, Esri Community Maps Contributors, ©
OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,
USDA

From: Tracey Scherr <tgscherr@yahoo.com>

Sent: Wednesday, August 30, 2023 11:46:15 PM

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

Cc: Brienne Brown <BBrown@whitewater-wi.gov>; Jill Gerber <jgerber@whitewater-wi.gov>; Neil Hicks <nhicks@whitewater-wi.gov>; Lisa Dawsey Smith <LDawseySmith@whitewater-wi.gov>; James Allen <JAllen@whitewater-wi.gov>; David Stone <dstone@whitewater-wi.gov>; Lukas Schreiber <LSchreiber@whitewater-wi.gov>

Subject: opposition to ORDINANCE AMENDING SUBSECTION 11.16.150 STREET INDEX OF PARKING RESTRICTIONS

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I was unable to look into this matter in time for the first reading and discussion on 8/15 of the proposed: ORDINANCE AMENDING SUBSECTION 11.16.150 STREET INDEX OF PARKING RESTRICTIONS However, I have now reviewed both the Vimeo recording of the meeting and the proposed ordinance amendment wording.

I join Brienne Brown and Neil Hicks in opposition to this proposed ordinance amendment. I hope my opposition as a property owner at 429 S. Elizabeth St. will be considered during the second reading, presumably at the next scheduled council meeting on Tuesday, 9/5 (?)

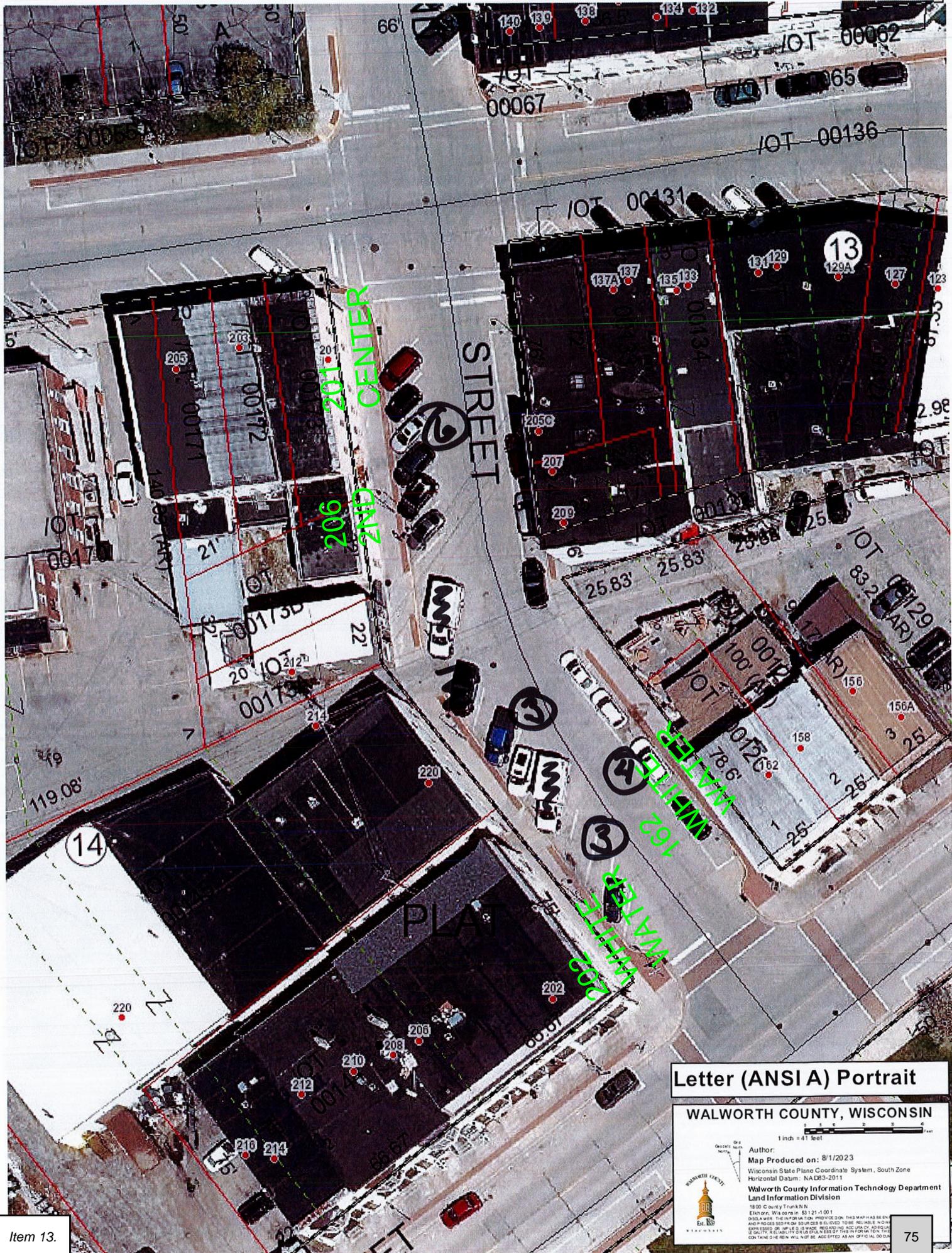
I have owned this home for approximately 17 years, so have had ample opportunity to observe traffic and safety concerns in the area. I agree the traffic flow is unsafe, particularly during dismissal and pick up times.

However, I do not believe the answer is to remove on-street parking access at all times, including for occupants of the residences on the east side of the street from the middle school up to Walworth Ave. As it is, leaving or returning to our driveways during drop off and pick up times is dangerous for us and cannot always be avoided. Imagine backing into that traffic flow from a driveway safely as people speed around the corner (despite the 4-way stop). Even turning into our driveways with a signal on can be treacherous. To completely eliminate the option for us to park in front of our homes when we need to exit during that time (especially after school pickup) more safely and to not allow sufficient room for our visitors to park in front of our homes (or even within a close, safe distance) when school isn't even in session is unnecessary and an overreach. Most importantly, for various reasons including those noted by Brienne Brown and Neil Hicks, it will not improve safety of students and is likely to further endanger safety, including for my own children who are enrolled in WWUSD. I urge you to consider alternatives to this drastic and likely ineffective proposed "solution".

Tracey Scherr

Second (2nd) St	Both sides; from Main St (Old Hwy 12), to W Whitewater St	11.16.090	No parking 2:00 a.m. to 5:00 p.m.	
			11.16.070	Four-hour parking
			11.16.140	No parking of trucks in excess of 16 feet in length
S	Second (2nd) St	West side; from the north curbline of W Center, north to a point 15 feet south of the south driveway of 207 West Main	11.16.080	No parking
S	Scott St	East side; from a point 158 feet south of the south curb line of W Whitewater Street, south to W Walworth Avenue	11.16.120	No parking 8:00 a.m. to 4:00 p.m., except Saturday, Sunday and holidays
S	Scott St	East side; from the south curbline of W Whitewater, south to a point 158 feet south	11.16.080	No parking
S	Scott St	West side; from W Whitewater, south to W Walworth	11.16.080	No parking
S	Second (2nd) St	West side; from the south curbline of Whitewater St north for 120 feet	11.16.145	Permit parking area
N	Second (2nd) St	Both sides; from Main St (Old Hwy 12) to W North St	11.16.090	No parking 2:00 a.m. to 5:00 pm
			11.16.075	Four-hour parking

			11.16.140	No parking of trucks in excess of 16 feet in length
N	Second (2nd) St	West side; from the north curblineline of Main St north for 100 feet	11.16.145	Permit parking area



Item 13.

Letter (ANSI A) Portrait

WALWORTH COUNTY, WISCONSIN

1 inch = 41 feet

Author: Walworth County Information Technology Department
 Map Produced on: 8/1/2023
 Wisconsin State Plane Coordinate System, South Zone
 Horizontal Datum: NAD83-2011

**Walworth County Information Technology Department
 Land Information Division**

1820 County Center Rd.
 Elkhorn, Wisconsin 53121-1001

DISCLAIMER: THE INFORMATION PROVIDED ON THIS MAP HAS BEEN DERIVED FROM PUBLIC SOURCES AND IS PROVIDED TO YOU AS IS. WALWORTH COUNTY DOES NOT WARRANT THE ACCURACY OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY SURVEY DATA TO VERIFY THE INFORMATION. WALWORTH COUNTY SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	2 nd Street
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

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

A request was received from a business owner on 2nd Street, Dr. Peg Linneman of Whitewater Chiropractic, asking for the review of where On-Street Permit Parking is allowed. Currently, all of the west side of 2nd Street between Center Street and Whitewater St is signed for either 2 hour parking or On-Street Permit parking. However, the ordinance reads that On-Street Permit parking should only be allowed on the west side from the south curb line of Whitewater St north for 120 feet. Additionally, the ordinance indicates it should be 4 hour parking, not 2 hour. Since there is confliction between the ordinance and the signage, a review of the parking should take place, including if On-Street Permit parking should be moved to the east side of 2nd Street.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Public Works Committee met on August 8, 2023 and recommended the following:

- On Street Permit Parking on the west side of 2nd Street adjacent to 202 W. Whitewater Street
- On Street Permit Parking on the west side of 2nd Street adjacent to 206 Second Street and 201 W Center Street.
- On Street Permit Parking on the east side of 2nd Street adjacent to 162 W. Whitewater Street
- 2 Hr parking on both sides of 2nd Street from Whitewater Street to North Street

FINANCIAL IMPACT

(If none, state N/A)

There is minimal financial impact with the suggested ordinance change.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance change.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Amended Ordinance
2. Current Ordinance
3. Aerial View of Parking

ORDINANCE No. _____
 AN ORDINANCE AMENDING SUBSECTION 11.16.150
 STREET INDEX OF PARKING RESTRICTIONS

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

SECTION 1. Whitewater Municipal Code Chapter 11.16 is amended by deleting from Section 11.16.150 the parking restrictions set forth below:

S	Second (2 nd) St	Both sides; from Main St (Old Hwy 12), to W Whitewater St	11.16.070	Four-hour parking
S	Second (2 nd) St	West side; from the south curblane of Whitewater St north for 120 feet	11.16.145	Permit parking area
N	Second (2 nd) St	Both sides; from Main St (Old Hwy 12), to W North St	11.16.075	Four-hour parking

SECTION 2. Whitewater Municipal Code Chapter 11.16 is hereby amended by adding to Section 11.16.150, the parking restrictions set forth below:

S	Second (2 nd) St	Both sides; from Main St (Old Hwy 12), to W Whitewater St	11.16.070	Two-hour parking
N	Second (2 nd) St	Both sides; from Main St (Old Hwy 12), to W North St	11.16.070	Two-hour parking
S	Second (2 nd) St	West side; adjacent to 202 W. Whitewater St	11.16.145	Permit parking area
S	Second (2 nd) St	West side; adjacent to 206 Second Street and 201 W. Center St	11.16.145	Permit parking area
S	Second (2 nd) St	East side; adjacent to 162 W. Whitewater St	11.16.145	Permit parking area

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

Seconded by Council Member _____.

AYES:
NOES:
ABSENT:
ADOPTED:

John Weidl, City Manager

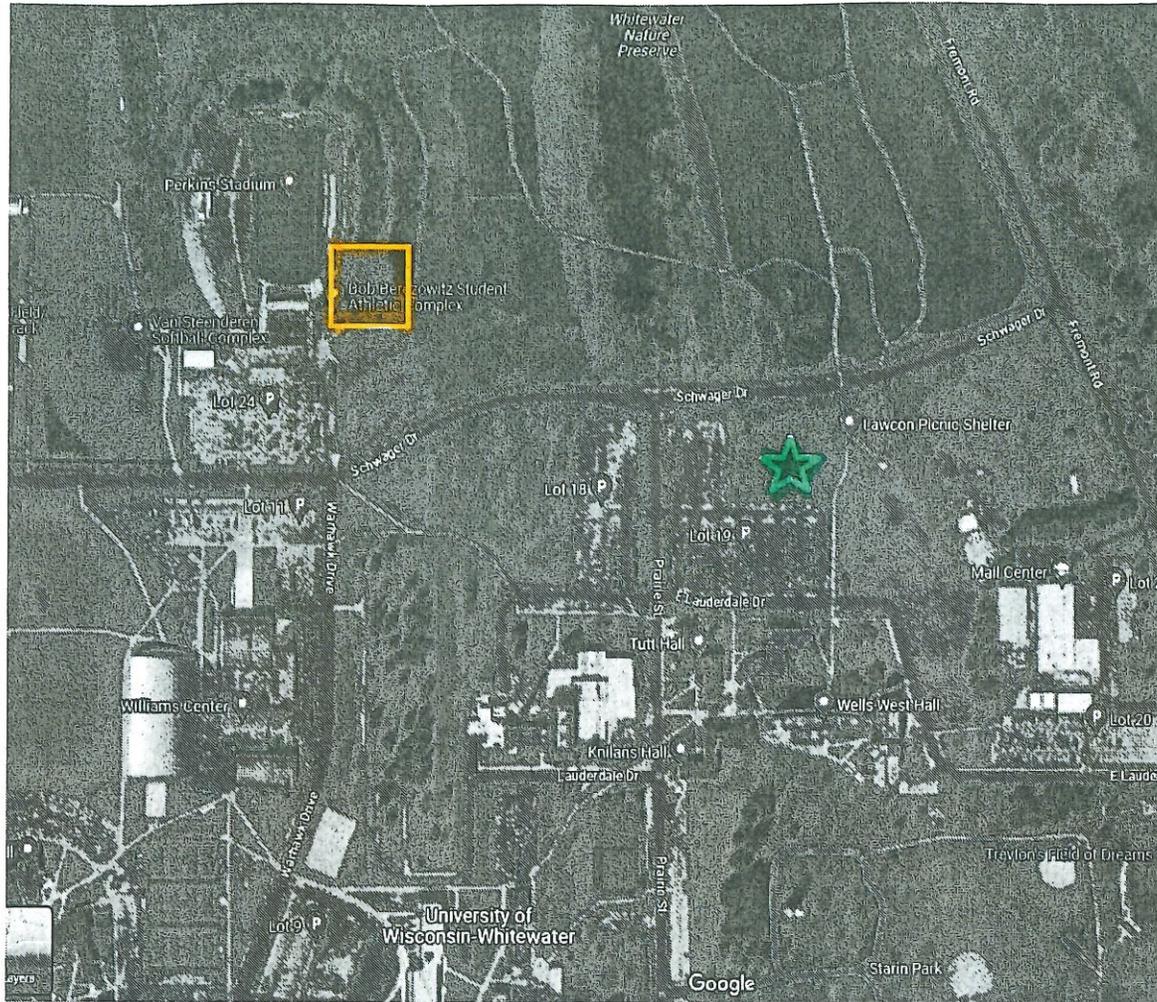
Karri Anderberg, City Clerk

REQUEST FOR PERMIT TO DISPLAY FIREWORKS IN THE CITY OF WHITEWATER
Under Chapter 5.08.040 of the City of Whitewater Municipal Code
(Application for Permits for Pyrotechnic Displays, Blank Cartridges and Flares)

APPLICANT: University Of Wisconsin - Whitewater - Student Activities & Involvement Homecoming Steering Committee	
NAME OF PERSON IN CHARGE: Jan Bilgen, and Homecoming Advisors: Olivia Allen and Elizabeth Garthwaite	
ADDRESS OF EVENT MANAGER: 800 W. Main St UC 146 Whitewater Wi 53190	
MANAGER DATE OF BIRTH: 10/19/1964	MANAGER PLACE OF BIRTH: Cleveland, OH
DATE OF FIREWORKS DISPLAY: Friday October 27,2023 RAIN DATE Saturday, October 28, 2023	
HOURS OF FIREWORKS DISPLAY: 8:30 PM	
LOCATION FROM WHERE FIREWORKS WILL BE ACTIVATED: East of the Perkins Stadium on UWW land.	
INDIVIDUAL AND ORGANIZATION IN CHARGE OF FIRING PYROTECHNICS: Mike Johnson for Spectrum Pyrotechnics	
INDIVIDUAL IN CHARGE OF RECOVERING UNFIRED PYROTECHNICS: Mike Johnson for Spectrum Pyrotechnics	
NUMBER AND KINDS OF PYROTECHNICS WHICH WILL BE FIRED: Shell Count: 1,765 Shells ranging from 2" to 5"	
LOCATION WHERE PYROTECHNIC MATERIAL WILL BE STORED PRIOR TO DISPLAY: Materials being transported by vendor with operator night of show to launch location. Will not be stored overnight. Location map below	

<p>TO BE COMPLETED BY CLERK:</p> <p>Cert of Ins received by _____ Diagram received by _____</p> <p>Permit to Process & Display Fireworks received by _____</p> <p>Referred to Fire Chief: _____</p>

<p>TO BE COMPLETED BY CITY MANAGER:</p> <p>_____ Approved _____ Disapprove _____</p> <p align="right">John Weidl , City Manager</p>



Secured
Launch
Area

Event/
Crowd

Elizabeth Garthwaite | Program Specialist-Events – Activities & Involvement (she, her, hers)

James R. Connor University Center – Student Activities & Involvement

University of Wisconsin – Whitwater

Direct: 262-472-5820 | Office: 262-472-6217

<https://linktr.ee/uwwinvolvement> | garthwae@uww.edu

From: Stephen <patrickspielbauer@sfireworks.com>

Sent: Monday, June 12, 2023 1:47 PM

To: Garthwaite, Elizabeth <garthwae@uww.edu>

Cc: Allen, Olivia R <BrellentOR30@uww.edu>

Subject: Re: UW-W Firework Bid Request for 10-27-23

Certificate of Insurance

36841

Issue Date: 7/6/2023

PRODUCER Professional Program Insurance Brokerage Division of SPG Insurance Solutions LLC 1304 Southpoint Blvd., Suite 101 Petaluma, CA 94954	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
--	---

INSURERS AFFORDING COVERAGE

INSURED Spectrum Pyrotechnics, Inc W9285 State Road 16 and 60 Reeseville, WI 53579	INSURER A: Certain Underwriter's at Lloyd's, London - AA-1128623 INSURER B: INSURER C: INSURER D:
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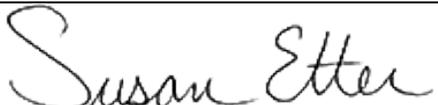
COVERAGES:
 THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (DD/MM/YY)	POLICY EXPIRATION DATE (DD/MM/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE	PY/22-0279	1/3/2023	1/3/2024	EACH ACCIDENT	\$5,000,000
					MEDICAL EXP (any one person)	
					FIRE LEGAL LIABILITY	\$50,000
					GENERAL AGGREGATE	\$5,000,000
					PRODUCTS-COMP/ OPS AGG	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Certificate holder is additional insured as respects the following:

Date(s) of Display:	10/28/2023
Location:	University of Wisconsin Whitewater 900 Schwager Drive Whitewater, WI 53190
Additional Insured:	University of Wisconsin Whitewater, University of Wisconsin System, Board of Regents of the University of Wisconsin System, its officers, employees, and agents" as additional insured
Rain Date(s):	10/29/2023
Type of Display:	Aerial Fireworks Display

CERTIFICATE HOLDER University of Wisconsin System 800 West Main Street Whitewater, WI 53190	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
	 AUTHORIZED REPRESENTATIVE



Council Agenda Item

Meeting Date: September 5, 2023

Agenda Item:

Staff Contact (name, email, phone): Sara Marquardt, smarquardt@whitewater-wi.gov, 262-473-1387

BACKGROUND

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

1. Due to the Covid-19 pandemic, the Common Council and other City committees adopted a hybrid meeting format allowing members, staff and the public to be present in the building and broadcast through "GoTo Meeting" so that individuals could participate virtually.
2. Hybrid options were made available for Plan Commission, CDA and Common Council meetings with the City Manager indicating that staff was not available, at that time, to provide hybrid options for all committees (5/18/21). Clapper also indicated an increase in observers.
3. Currently, the Equal Opportunity Commission meets completely virtual and the Community Development Authority Board, Landmarks Commission, Plan & Architectural Review Board, Parks & Recreation Board, Library Board and Police & Fire Commission offer the hybrid meeting format.
4. Council member Allen has asked for a review of the hybrid meeting format.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

March 18, 2020 – City Manager declared an emergency in the City of Whitewater.

May 18, 2021 – hybrid meeting options approved by Common Council.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff recommends maintaining the hybrid meeting option due to the observed increase in participation and the enhanced convenience it provides for consultants, vendors, and others to engage in meetings.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. May 18, 2021, Common Council minutes

Common Council - May 18, 2021

with modifications due to the high number of colors in the logo. The City is also working with the School District and the University to evaluate whether those bodies' names should be listed on the tower. Also recommended is the removal of the words "City of". Councilmember Allen wondered whether it would be better to say "home of WW Whippets and Warhawks." It was moved by Smith and seconded by Allen to approve the water tower design under the following terms: Painting the new water tower the same shade of blue as the existing Cravath Street water tower; eliminating "City of" and just painting "Whitewater" on two sides; proceeding with a five color logo on two sides; and painting "UW-Whitewater" on one side of the water tower leg, and painting "WUSD Whippets" on the other side of the water tower leg, provided the respective entity is willing to pay for the initial painting and future painting when required. The lettering is 3' tall. AYES: McCormick, Schulgit, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

VIRTUAL MEETING CONTINUATION. City Manager Clapper indicated that based on the Center for Disease Control's findings, he is comfortable moving forward with hybrid Council meetings beginning June 1. Clapper did note, however, that since Zoom meetings began, their base of observers has increased. Clapper has directed the purchase of upgraded equipment at the City, and it is anticipated that consultants will now log in from their home base, and will no longer have to come to Whitewater in person. Clapper reiterated a June 1st start date, with the understanding that one Alcohol Licensing Committee hearing, scheduled for May 24, will need to meet in person. Clapper indicated that smaller committees may meet in person, but there is not enough staff to provide hybrid options for them. It was moved by Allen and seconded by Smith to begin meeting in person on June 1st. In person attendance will be allowed, and hybrid options (virtual and in person) will be available for the Plan Commission, CDA and Common Council meetings. AYES: McCormick, Schulgit, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: None.

FUTURE AGENDA ITEMS. Councilmember Schulgit indicated that this evening is his last Council meeting, as he will be moving on to medical school. Councilmember Binnie thanked Matthew for his service, and expressed appreciation for his commitment. Councilmember McCormick requested that the Council discuss the Aldermanic District 2 vacancy at the next meeting.

EXECUTIVE SESSION. It was moved by Binnie and seconded by Allen to adjourn to closed session, **NOT TO RECONVENE**, pursuant to Ch. 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: Discussion of the terms of the Agreement with Whitewater Fire Department for Fire and Rescue Service; and 2) Discussion of a settlement strategy for the acquisition of lands and interests for the Southwest Elevated Water Tank Project (water tower) located near the intersection of Indian Mound Parkway and the bypass. AYES: McCormick, Schulgit, Brown, Binnie, Majkrzak, Allen, Smith. NOES: None. ABSENT: None. The regular portion of the meeting adjourned at 8:44 p.m.

Respectfully submitted,

Michele R. Smith, Clerk



Strand Associates, Inc.®

910 West Wingra Drive

Madison, WI 53715

(P) 608.251.4843

www.strand.com

August 21, 2023

Mr. Brad Marquardt, P.E. Public Works Director
City of Whitewater
312 West Whitewater Street
Whitewater, WI 53190

Re: Water Utility Vehicle Storage Garage
Contract 3-2023
City of Whitewater, Wisconsin

Dear Brad,

Bids for the above-referenced Project were opened on August 21, 2023. Two Bids were received with the resulting Bid tabulation enclosed.

RR Walton & Company LTD of Whitewater, Wisconsin, was the apparent low Bidder at \$824,500. The Bid included a Bid Bond for 10 percent. The Bid is deemed to be responsive.

Strand Associates, Inc.® has previously worked with RR Walton & Company LTD on projects for the City of Whitewater. For those projects, the City of Whitewater determined RR Walton & Company LTD to be responsible.

If you determine that RR Walton & Company LTD is a responsible Bidder after your evaluation of their qualifications, we recommend proceeding with award of the Contract in accordance with Article 18 of the Instructions to Bidders.

Please contact us with any question regarding this Project.

Sincerely,

STRAND ASSOCIATES, INC.®

Evan J. Constant, P.E.

Enclosure

c: Mr. Jim Bergner, Water Utility Superintendent, City of Whitewater, Wisconsin

Bids Received: 1 P.M.
August 21, 2023

STRAND ASSOCIATES, INC.®
910 West Wingra Drive
Madison, WI 53715

CITY OF WHITEWATER
WHITEWATER, WISCONSIN
WATER UTILITY VEHICLE STORAGE GARAGE
CONTRACT 3-2023

BID TABULATION SUMMARY

Bidder and Address	Bid Bond or Guarantee	Addenda Acknowledged	Cash Allowances	Lump Sum Bid
RR Walton & Company LTD 1005 West Main Street Whitewater, WI 53190	10%	NA	\$22,200.00	\$824,500.00
Gilbank Construction, Inc. 301 Scot Drive Clinton, WI 53525	10%	NA	\$47,360.00	\$948,700.00

Reviewed by: 

Water Utility Vehicle Storage Garage, Contract 3-2023, City of Whitewater, Wisconsin (#8608953)

Owner: City of Whitewater

Solicitor: Strand Associates, Inc.

08/21/2023 01:00 PM CDT

						RR Walton & Company LTD		Gilbank Construction Inc.	
Section Title	Line Item	Item Code	Item Description	UofM	Quantity	Unit Price	Extension	Unit Price	Extension
Water Utility Vehicle Storage Garage							\$824,500.00		\$948,700.00
	1	LS	Lump Sum Bid	LS	1	\$824,500.00	\$824,500.00	\$948,700.00	\$948,700.00
Base Bid Total:							\$824,500.00		\$948,700.00



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	Water Utility Storage Building
Staff Contact (name, email, phone):	Brad Marquardt, bmarguardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

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

The City opened bids on August 21, 2023 for the Water Utility Storage Building. The new storage building will replace two very deteriorated residential garages that have been used for storage. Two bids were received:

- | | |
|-------------------------|-----------|
| 1. RR Walton & Company | \$824,500 |
| 2. Gilbank Construction | \$948,700 |

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

The Water Utility Storage Building was included in the adopted in the 2022-2023 Budget as an approved CIP project.

FINANCIAL IMPACT

(If none, state N/A)

\$300,000 was approved in the 2022-2023 budget. The low bid is in line with the current estimate of \$842,790. The higher cost is contributed to increase in building materials from 2021 and not including ancillary items in addition to the building costs in the budgeting estimate. As with the Northside Water Main Extension Project approved at the last Council meeting, a budget amendment will need to be approved at a future Council meeting switching already borrowed Revenue bonds from the Vanderlip Pumping Station project to the Water Utility Storage Building project.

STAFF RECOMMENDATION

Staff recommends awarding the contract to RR Walton & Company of Whitewater, WI

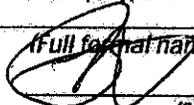
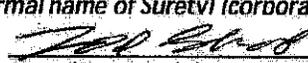
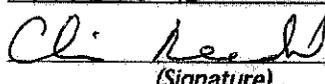
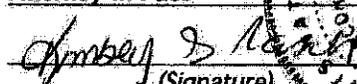
ATTACHMENT(S) INCLUDED

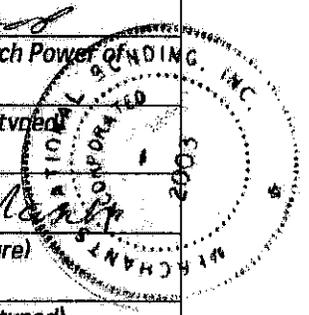
(If none, state N/A)

1. Bid Results

10% BID BOND

Any singular reference to Bidder, Surety, Owner or other party shall be considered plural where applicable.

<p>Bidder Name: RR Walton & Company, LTD Address (principal place of business): 1005 W. Main Street Whitewater, WI 53190</p>	<p>Surety Name: Merchants National Bonding, Inc. Address (principal place of business): 6700 Westown Parkway West Des Moines, IA 50266</p>
<p>Owner Name: City of Whitewater Address (principal place of business): 312 West Whitewater Street Whitewater, WI 53190</p>	<p>Bid Project (name and location): Water Utility Vehicle Storage Garage, Whitewater, WI - Contract 3- 2023 Bid Due Date: 8/21/2023</p>
<p>Bond Penal Sum: 10% *** TEN PERCENT OF AMOUNT BID *** Date of Bond: 8/21/2023</p>	
<p>Surety and Bidder, intending to be legally bound hereby, subject to the terms set forth in this Bid Bond, do each cause this Bid Bond to be duly executed by an authorized officer, agent, or representative.</p>	
<p>Bidder RR Walton & Company, LTD</p>	<p>Surety Merchants National Bonding, Inc.</p>
<p>By: <u></u> (Full formal name of Bidder) (Signature)</p>	<p>By: <u></u> (Full formal name of Surety) (Corporate seal) (Signature) (Attach Power of Attorney)</p>
<p>Name: <u>Russell R. Walton</u> (Printed or typed)</p>	<p>Name: <u>Todd Schaap</u> (Printed or typed)</p>
<p>Title: <u>President</u></p>	<p>Title: <u>Attorney-in-Fact</u></p>
<p>Attest: <u></u> (Signature)</p>	<p>Attest: <u></u> (Signature)</p>
<p>Name: <u>Chris Riedel</u> (Printed or typed)</p>	<p>Name: <u>Kimberly S. Rasch</u> (Printed or typed)</p>
<p>Title: <u>Secretary</u></p>	<p>Title: <u>Witness</u></p>
<p>Notes: (1) Note: Addresses are to be used for giving any required notice. (2) Provide execution by any additional parties, such as joint venturers, if necessary.</p>	



1. Bidder and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors, and assigns to pay to Owner upon default of Bidder the penal sum set forth on the face of this Bond. Payment of the penal sum is the extent of Bidder's and Surety's liability. Recovery of such penal sum under the terms of this Bond will be Owner's sole and exclusive remedy upon default of Bidder.
2. Default of Bidder occurs upon the failure of Bidder to deliver within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents.
3. This obligation will be null and void if:
 - 3.1. Owner accepts Bidder's Bid and Bidder delivers within the time required by the Bidding Documents (or any extension thereof agreed to in writing by Owner) the executed Agreement required by the Bidding Documents and any performance and payment bonds required by the Bidding Documents, or
 - 3.2. All Bids are rejected by Owner, or
 - 3.3. Owner fails to issue a Notice of Award to Bidder within the time specified in the Bidding Documents (or any extension thereof agreed to in writing by Bidder and, if applicable, consented to by Surety when required by Paragraph 5 hereof).
4. Payment under this Bond will be due and payable upon default of Bidder and within 30 calendar days after receipt by Bidder and Surety of written notice of default from Owner, which notice will be given with reasonable promptness, identifying this Bond and the Project and including a statement of the amount due.
5. Surety waives notice of any and all defenses based on or arising out of any time extension to issue Notice of Award agreed to in writing by Owner and Bidder, provided that the total time for issuing Notice of Award including extensions does not in the aggregate exceed 120 days from the Bid due date without Surety's written consent.
6. No suit or action will be commenced under this Bond prior to 30 calendar days after the notice of default required in Paragraph 4 above is received by Bidder and Surety, and in no case later than one year after the Bid due date.
7. Any suit or action under this Bond will be commenced only in a court of competent jurisdiction located in the state in which the Project is located.
8. Notices required hereunder must be in writing and sent to Bidder and Surety at their respective addresses shown on the face of this Bond. Such notices may be sent by personal delivery, commercial courier, or by United States Postal Service registered or certified mail, return receipt requested, postage pre-paid, and will be deemed to be effective upon receipt by the party concerned.
9. Surety shall cause to be attached to this Bond a current and effective Power of Attorney evidencing the authority of the officer, agent, or representative who executed this Bond on behalf of Surety to execute, seal, and deliver such Bond and bind the Surety thereby.
10. This Bond is intended to conform to all applicable statutory requirements. Any applicable requirement of any applicable statute that has been omitted from this Bond will be deemed to be included herein as if set forth at length. If any provision of this Bond conflicts with any applicable statute, then the provision of said statute governs and the remainder of this Bond that is not in conflict therewith continues in full force and effect.
11. The term "Bid" as used herein includes a Bid, offer, or proposal as applicable.

EJCDC® C-430, Bid Bond (Penal Sum Form).

This document is a MODIFIED version of EJCDC® C-430. Copyright© 2018 National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers. All rights reserved.

Page 2 of 2

MERCHANTS
BONDING COMPANY,™
POWER OF ATTORNEY

Know All Persons: By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

David J Rudnik; Eric Olson; Kimberly Rasch; Thomas O Chambers; Todd Schaap

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons; guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

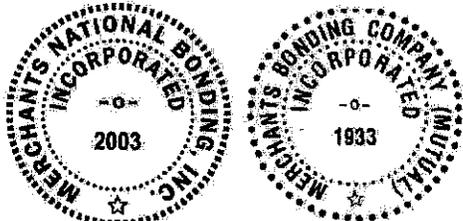
"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto; bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 8th day of December, 2022



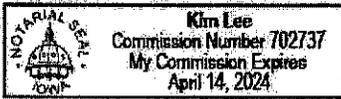
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By

Larry Taylor
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 8th day of December 2022, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

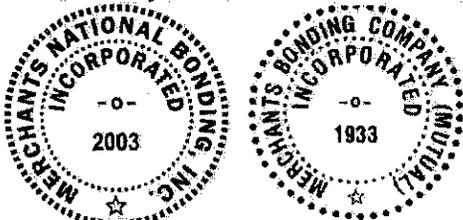


Kim Lee
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 21st day of August, 2023.



William Warner Jr.
Secretary

POA 0018 (10/22)

STATE OF WISCONSIN)

COUNTY OF **Milwaukee**)

ON THIS 21st day of August, 2023,

before me, a notary public, within and for said County and State, personally appeared ___
Todd Schaap to me personally known, who being duly sworn,
upon oath did say that he is the Attorney-in-Fact of and for the _____
Merchants National Bonding, Inc., a corporation
of Iowa, created, organized and existing under and
by virtue of the laws of the State of Iowa; that the corporate seal
affixed to the foregoing within instrument is the seal of the said Company; that the seal
was affixed and the said instrument was executed by authority of its Board of Directors;
and the said Todd Schaap did acknowledge that he/she
executed the said instrument as the free act and deed of said Company.



Rosa Hernandez
Notary Public, Milwaukee County, Wisconsin
My Commission Expires 1/22/2027

BIDDER: RR Walton & Company LTD

BID FORMS

CITY OF WHITEWATER
WHITEWATER, WISCONSIN
WATER UTILITY VEHICLE STORAGE GARAGE
CONTRACT 3-2023

Prepared by:

STRAND ASSOCIATES, INC.®
910 West Wingra Drive
Madison, WI 53715
www.strand.com

Issued for Bid
August 3, 2023



SECTION 00 41 00

BID

CITY OF WHITEWATER
WHITEWATER, WISCONSIN
WATER UTILITY VEHICLE STORAGE GARAGE
CONTRACT 3-2023

A. Table of Contents

- ARTICLE 1. BID RECIPIENT
- ARTICLE 2. BIDDER'S ACKNOWLEDGEMENTS
- ARTICLE 3. BIDDER'S REPRESENTATIONS
- ARTICLE 4. BIDDER'S CERTIFICATIONS
- ARTICLE 5. BASIS OF BID
- ARTICLE 6. TIME OF COMPLETION
- ARTICLE 7. ATTACHMENTS TO THIS BID
- ARTICLE 8. DEFINED TERMS
- ARTICLE 9. COMMUNICATIONS
- ARTICLE 10. BID SUBMITTAL

ARTICLE 1-BID RECIPIENT

1.01 Bids to be received until 1 P.M., local time, Monday, August 21, 2023.

1.02 Online electronic Bidding through QuestCDN.com is the only way the Bid will be accepted. To access the electronic Bid Form, download the Project Documents and click the Online Bidding button.

1.03 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with OWNER in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2-BIDDER'S ACKNOWLEDGEMENTS: ACCEPTANCE PERIOD, INSTRUCTIONS, AND RECEIPT OF ADDENDA

2.01 Bid Acceptance Period

A. This Bid will remain subject to acceptance for 85 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of OWNER.

2.02 Instructions to Bidders

A. Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security.

2.03 In submitting this Bid, Bidder represents the following:

A. Bidder has examined and carefully studied the Bidding Documents, and any data and reference items identified in the Bidding Documents, and hereby acknowledges receipt of the addenda.

2.04 Bidder will sign and deliver the required number of counterparts of the Agreement with the bonds, insurance certificates, and other documents required by the Bidding Requirements within 15 days after the date of OWNER's Notice of Award.

ARTICLE 3-BIDDER'S REPRESENTATIONS

3.01 Bidder's Representations

A. In submitting this Bid, Bidder represents the following:

1. Bidder has examined and carefully studied the Bidding Documents, including Addenda.

2. Bidder has visited the Site, conducted a thorough visual examination of the Site and adjacent areas, and become familiar with the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

3. Bidder is familiar with all Laws and Regulations that may affect cost, progress, and performance of the Work.

4. Bidder has carefully studied the reports of explorations and tests of subsurface conditions at or adjacent to the Site and the drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, with respect to the Technical Data in such reports and drawings.

5. Bidder has carefully studied the reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, with respect to Technical Data in such reports and drawings.

6. Bidder has considered the information known to Bidder itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Technical Data identified in the Supplementary Conditions or by definition, with respect to the effect of such information, observations, and Technical Data on (a) the cost, progress, and performance of the Work; (b) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, if selected as CONTRACTOR; and (c) Bidder's (CONTRACTOR's) safety precautions and programs.

7. Based on the information and observations referred to in the preceding paragraph, Bidder agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.

8. Bidder is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Bidding Documents.

9. Bidder has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and of discrepancies between Site conditions and the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

10. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

11. The submission of this Bid constitutes an incontrovertible representation by Bidder that without exception the Bid and all prices in the Bid are premised upon performing and furnishing the Work required by the Bidding Documents.

ARTICLE 4–BIDDER’S CERTIFICATIONS

4.01 Bidder certifies the following:

A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation.

B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid.

C. Bidder has not solicited or induced any individual or entity to refrain from Bidding.

D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:

1. Corrupt practice means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the Bidding process.

2. Fraudulent practice means an intentional misrepresentation of facts made (a) to influence the Bidding process to the detriment of OWNER, (b) to establish Bid prices at artificial non-competitive levels, or (c) to deprive OWNER of the benefits of free and open competition.

3. Collusive practice means a scheme or arrangement between two or more Bidders, with or without the knowledge of OWNER, a purpose of which is to establish Bid prices at artificial, non-competitive levels.

4. Coercive practice means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the Bidding process or affect the execution of the Contract.

ARTICLE 5-BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

The following abbreviations may be used in this Bid:

CIP	-	Complete in Place	LS	-	Lump Sum
CY	-	Cubic Yard	LT	-	Left
DI	-	Ductile Iron	MBF	-	Thousand Board Feet
DIA	-	Diameter	MFOB	-	Thousand Freight-On-Board
EA	-	Each	MH	-	Manhole
EST	-	Estimate(d)	RCP	-	Reinforced Concrete Pipe
EXCL	-	Excluding	RT	-	Right
FT	-	Feet	SF	-	Square Foot
GAL	-	Gallon	STA	-	Station
HERCP	-	Horizontal Elliptical RCP	SY	-	Square Yard
HRS	-	Hours	T	-	Ton
IN	-	Inch	VLF	-	Vertical Linear Foot
INCL	-	Including	W/	-	With
LBS	-	Pounds	W/O	-	Without
LF	-	Linear Foot			

BIDDERS SHOULD NOT ADD ANY CONDITIONS OR QUALIFYING STATEMENTS TO THIS BID OR THE BID MAY BE DECLARED IRREGULAR AS NOT BEING RESPONSIVE TO THE INSTRUCTIONS TO BIDDERS.

BID

CITY OF WHITEWATER
WHITEWATER, WISCONSIN
WATER UTILITY VEHICLE STORAGE GARAGE
CONTRACT 3-2023

LUMP SUM BID:

_____ Dollars: 6
(Words) (Numbers)

See Section 01 29 00—Contract Considerations for discussion of Wash Allowances to include in the Bid.

Enter Bid On Quest Only

BID

CITY OF WHITEWATER
 WHITEWATER, WISCONSIN
 WATER UTILITY VEHICLE STORAGE GARAGE
 CONTRACT 3-2023

CASH ALLOWANCES

The following Cash Allowances shall be included in the Lump Sum Base Bid. The Cash Allowances for non-Lump Sum items shall be equal to the product of the quantity included in the Lump Sum Base Bid and the Unit Price. The Cash Allowances will be adjusted in the event that estimated quantities to be included in the Lump Sum Base Bid are different from final measured quantities. A single Unit Price shall be bid for each item. Failure to include one or more of the following Unit Price items may result in rejection of the entire Bid as nonconforming. For items with a quantity of 1, the Cash Allowance shall be adjusted based on actual final costs.

Item Number	Description	Estimated Quantity Included in the Lump Sum Base Bid	Unit	Bid Unit Price	Total Bid Price Included in the Lump Sum Base Bid
1.	New Service for Electric Utility Section 26 21 00—Electrical Service System	1	LS	\$5,000	\$5,000
2.	Unsuitable Foundation Material for Structures and Roads Section 31 23 00—Excavation, Fill, Backfill, and Grading	430	CY	\$ 40.00	\$ 17,200.00
3.	Unsuitable Foundation Material for Utility Trenches Section 31 23 00— Excavation, Fill, Backfill, and Grading	50	CY	\$ 40.00	\$ 2,000.00
4.	Geotextile Below Pavement Subgrade Stabilization for Unsuitable Material for Roads Section 31 32 19—Geotextiles	940	SY	\$ 2.98	\$ 2,801.20
5.	New Service for Gas Utility Section 33 52 16—Fuel Gas Distribution Utilities	1	LS	\$5,000	\$5,000

ARTICLE 6-TIME OF COMPLETION

6.01 Bidder agrees that the Work will be substantially complete on or before May 3, 2024 and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before May 31, 2024.

6.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the Contract Times.

ARTICLE 7-ATTACHMENTS TO THIS BID

7.01 The following documents are attached to and made a condition of this Bid:

A. Required Bid security in the form of bid bond
(Certified Check, Bank Money Order, or Bond)

B. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license, if applicable, within the time for acceptance of Bids.

C. Where applicable, Bidder shall provide CONTRACTOR's License Number for the state of the Project, where noted at end of Bid or Bidder shall provide evidence of Bidder's ability to obtain a State Contractor's License and a covenant by Bidder to obtain said license within the time for acceptance of Bids.

ARTICLE 8-DEFINED TERMS

8.01 The terms used in this Bid with initial or all capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9-COMMUNICATIONS

9.01 Communications concerning this Bid shall be addressed to the address of Bidder indicated below:

Name: Russell R. Walton

Street: 1005 W. Main St

City, State, Zip Code: Whitewater WI 53190

Phone No.: 262-473-8646 Fax No.: _____

E-mail address: rrwalton@rrwalton.com

ARTICLE 10-BID SUBMITTAL

Submitted on August 21, 2023

State Contractor License Number 1919 / 1922 (if applicable).

If Bidder is:

An Individual

By: _____
(Individual's signature)

Name (typed or printed): _____

Doing business as: _____
Business address: _____

Phone No.: _____ Fax No.: _____

E-mail address: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Business address: _____

Phone No.: _____ Fax No.: _____

E-mail address: _____

A Corporation

Corporation Name: RR Walton & Company LTD

State of Incorporation: Wisconsin

Type (General Business, Professional, Service, Limited Liability): general business

By: _____
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Russell R. Walton

Title: President

Attest _____
(Signature of Corporate Secretary)

Business address: 1005 W. Main St, Ste C, Whitewater WI 53190

Phone No.: 262-473-8646 Fax No.: _____

E-mail address: rrwalton@rrwalton.com

Date of Qualification to do business in (State where the Project is located) is 03/01/1998

Sworn and subscribed to before me this
21 day of August, 2023

(Signature)

Notary Public or Other Officer
Authorized to Administer Oaths
My Commission expires: March 6, 2024

A Limited Liability Company (Note: If member-managed, an authorized member must sign; if manager-managed, the authorized manager must sign. Attach evidence of authority to sign on behalf of LLC).

(Fill in complete name of LLC)

State of Formation: _____

By: _____
(Signature)

_____, [Member] [Manager]
(Print Name)

Business Address: _____

Telephone.: _____

Email: _____

Fax: _____

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business address: _____

Phone No.: _____ Fax No.: _____

E-mail address: _____

Second Joint Venturer Name: _____

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Business address: _____

Phone No.: _____ Fax No.: _____

E-mail address: _____

Phone No., Fax No., and postal and E-mail address for receipt of official communications:

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Sworn and subscribed to before me this
_____ day of _____, _____

Notary Public or Other Officer
Authorized to Administer Oaths.
My Commission expires: _____

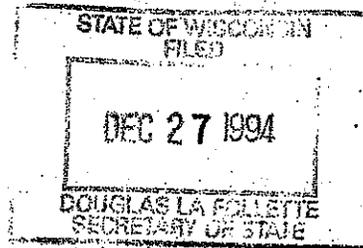
END OF SECTION

ARTICLES OF INCORPORATION

Stock (for profit)

94 DEC 23 8:00

Executed by the undersigned for the purpose of forming a Wisconsin for-profit corporation under Chapter 180 of the Wisconsin Statutes repealed and recreated by 1989 Wis. Act 303:



Article 1.

Name of Corporation: Pleasure Pools & Spas, Inc.

Article 2. (See FEE information on reverse)

The corporation shall be authorized to issue 9,000 shares.

Article 3.

The street address of the initial registered office is: 884 S. Janesville Street
(The complete address, including street and number, if assigned, Whitewater, WI 53190
and ZIP code. P.O. Box address may be included as part of
the address, but is insufficient alone.)

Article 4.

The name of the initial registered agent
at the above registered office is: Russell R. Walton

Article 5. Other provisions (OPTIONAL): This document has a delayed effective date of
January 1, 1995.

Article 6. Executed on December 22, 1994
(date)

Name and complete address of each incorporator:

1) Russell R. Walton
W5791 Bubbling Springs
Elkhorn, WI 53121

2) Not applicable.

(Incorporator Signature)
Russell R. Walton

(Incorporator Signature)

This document was drafted by Mitchell J. Simon, Attorney
(name of individual required by law)

ARTICLES OF AMENDMENT Stock (for profit)

98 MAR 19 4 8:00

Name of Corporation: Pleasure Pools & Spas, Inc.
(prior to any change effected by this amendment)

Text of Amendment (Refer to the existing articles of incorporation and instruction A. Determine those items to be changed and set forth below the number identifying the paragraph being changed and how the amended paragraph is to read.)

RESOLVED, THAT, Article 1 of the Articles of Incorporation is hereby amended to read as follows:

Name of Corporation: RR Walton & Company, Ltd.

B. Amendment(s) to the articles of incorporation adopted on March 1, 1998
(date)

Indicate the method of adoption by checking the appropriate choice below:

() By the Board of Directors (In accordance with sec. 180.1002, Wis. Stats.)

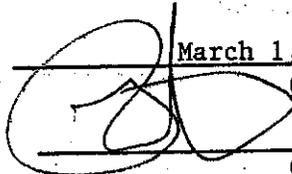
OR

(X) By the Board of Directors and Shareholders (In accordance with sec. 180.1003, Wis. Stats.)

OR

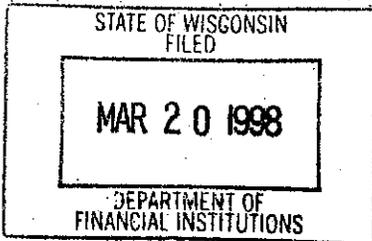
() By Incorporators or Board of Directors, before issuance of shares (In accordance with sec. 180.1005, Wis. Stats.)

C. Executed on behalf of the corporation on March 1, 1998
(date)


(signature)

Russell R. Walton
(printed name)

President
(title)



D. This document was drafted by Mitchell J. Simon, Attorney (State Bar No. 01015249)
(name of individual required by law)

SEE REVERSE for Instructions, Suggestions, Filing Fees and Procedures

Printed on Recycled Paper



Council Agenda Item

Meeting Date:	September 5, 2023
Agenda Item:	Cravath Lake Flower Areas
Staff Contact (name, email, phone):	Brad Marquardt, bmarquardt@whitewater-wi.gov , 262-473-0139

BACKGROUND

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

Aldersperson Hicks asked for this item to be placed on the Council agenda. He would like to discuss the planting areas down by the Cravath Lakefront. His idea is to try and get sponsors to plant and maintain the planting areas. This would create community involvement and help with eliminating some costs for the plantings and reduce labor required by the City staff.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

Could be reduction in costs for plantings.

STAFF RECOMMENDATION

If the Council would like to pursue this idea, staff recommends this item be sent to the Park and Recreation Board for further discussion.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. N/A



Council Agenda Item

Meeting Date:	September 05, 2023
Agenda Item:	Agenda Request Policy
Staff Contact (name, email, phone):	Karri Anderberg, City Clerk kanderberg@whitewater-wi.gov

BACKGROUND

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

I would like to bring forth a proposed change regarding the submission deadline for agenda items for our common council meetings. As we strive to improve the efficiency of our processes and accommodate the needs of all Councilmembers, I believe adjusting the submission deadline would be beneficial.

Currently, the established policy states that Councilmembers must submit their agenda item requests no later than twelve noon on the Tuesday prior to the common council meetings. I would like to suggest that we consider moving this deadline to the Friday before the agenda goes to the paper.

Here are my reasons for proposing this change:

1. Enhanced Preparation Time: Shifting the deadline to Friday would provide our staff with additional time to prepare and organize the agenda items, ensuring a well-structured and comprehensive agenda for our meetings.
2. Improved Transparency: With more time for preparation, the agenda content can be thoroughly reviewed, allowing us to provide accurate and detailed information to the public and the press when the agenda is published.
3. Flexibility for Staff: A Friday deadline would give staff a bit more time to finalize and submit their requests, potentially reducing the rush to meet the Tuesday noon deadline to get the agenda to the paper.
4. Alignment with Weekly Planning: The proposed change would align the agenda submission process with the weekly planning cycle, making it easier for staff to integrate agenda item preparation with their overall work schedule.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In 2010 the city passed a Meetings ordinance.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

To move the agenda request item deadline to Friday at Noon before the draft agenda goes to the paper.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Current ordinance
 2. Current timeline that staff follows
-

2.08.010 Meetings.

- (a) The regular sessions of the city council shall be held on the first and third Tuesdays in each month, commencing at six-thirty in the evening. If any council meeting falls on an election day or on a holiday, the council meeting for that day shall be held on the Thursday following the first or third Tuesday in the month, at six-thirty p.m. Special meetings may be called, as provided by the Wisconsin Statutes. A city council meeting may be cancelled or set at a date other than is set forth in the section if said cancellation or date change is approved by a majority of the city council members voting or is approved by both the city manager and the city council president. There shall, however, be at least one meeting of the council each month.
- (b) The city council meetings shall be conducted in accordance with the following guidelines:
 - (1) The agenda shall be established under the authority of the city manager. Councilmembers who wish to have agenda items addressed need to make their request no later than twelve noon on the Tuesday prior to the common council meetings. The city manager shall honor all legal requests of councilmembers.
 - (2) Consent Agenda. A consent agenda item that recommends expedited approval of appropriate resolutions, ordinances and considerations, per the recommendation of the city manager may be included. At the request of a councilmember, any consent agenda item shall be removed, discussed and acted upon individually.
 - (3) Period of Public Comment. The period of public comment is a time set aside for the purpose of allowing the council to receive information from the public concerning matters that are not on the meeting agenda. Pursuant to Wis. Stats. § 19.82(2), no decisions shall be made on matters addressed during this period. The council president should inform the public that the purpose of the public comment period is limited and, if any action is requested, the matter must be put on the council agenda of a future meeting for consideration. Comments by any one member of the public shall be limited to three minutes. Repetitious statements should be discouraged, except when they are declarations of support of a prior speaker's comments. Personal attacks are inappropriate.
 - (4) Order of Business. The following shall be the order of business:
 - (A) Common council president reads the agenda title;
 - (B) The city manager, staff and/or city consultant may give a brief introduction to the issue (if necessary);
 - (C) Immediately after introduction of the agenda item, at the option of any councilmember, a motion may be made and seconded prior to any additional statements regarding the agenda item. If this procedure is used, public input and discussion of the agenda item shall take place after the second. If there is not an immediate motion made and seconded, public comment and further discussion of the matter will proceed. During this period a councilmember may, at any time, make a motion concerning the matter. The council president shall attempt to make certain that any member of the public wishing to speak on the issue has an opportunity to be heard before a final vote is taken;
 - (D) There shall be a three-minute limit placed on each speaker from the general public. If necessary, requests shall be made to speakers not to make comments that are similar to prior public input about the same issue, unless the comments are a declaration of support of a prior speaker's statements.
 - (5) Official Public Hearings. Guidelines should be printed and distributed prior to each hearing to any citizen who wishes to participate. Conduct of the public hearing:

-
- (A) The common council president shall call the hearing to order, summarize the need for the hearing, review the public hearing meeting guidelines and, if necessary, allow the city manager, staff or city consultant to make a presentation.
 - (B) The public hearing guidelines for the public input portion of the hearing shall include a five-minute time limit. There shall be a request of speakers not to make redundant comments unless the speaker is declaring his or her support of a prior speaker's comments. As much as possible, speakers shall be called upon to make comments first in support of and then in opposition to the public hearing proposal in alternating order. The president shall have the authority to give time extensions to a speaker, if in the judgment of the president the speaker needs more time to clarify his/her position.
 - (C) Questions from the common councilmembers are appropriate; however, comments from the councilmembers should be held in reserve until after the public input portion of the hearing is closed.
 - (D) Citizen participants in the public hearing should not debate the issues directly with councilmembers, staff, or other members of the audience.
 - (E) The council president will then declare the public input portion of the hearing closed and council discussion shall begin. Discussions of agenda items related to the public hearing will not include input from the public unless reasonably solicited by a councilmember.

(Ord. No. 1764A, § 1, 5-4-2010; Ord. No. 1959A, § 1, 9-18-2018)

Packet Prep Timeline

- Friday at 10:00 am - Agenda prepared in staff meeting
- Tuesday at noon – City Clerk will submit agenda to newspaper
- Wednesday by 5:00 pm - All packet materials must be saved into Municode Meeting. Please see clerk's office for instructions on how to submit.

When formatting materials...

1. You will need to make sure all word documents are in docx. MuniCoode Meeting does not accept Word 97.
2. Excel documents have been converted to PDF and are formatted to be 1 page so they are readable.
3. If you are submitting pictures you will have to copy and paste them into word. MuniCode Meeting will not accept JPEG.
4. **Please use the cover memo template**

Project Information:

Project Name: Whitewater Fire Department Bunk Room and Restroom Remodel

Project Description: Remodel of the Staff Breakroom to Men’s and Women’s Bunk Rooms and renovation of the Men’s and Women’s Restrooms in the basement of the existing Whitewater Fire Department.

Services Description: Preliminary design, final design, and bidding-related services. Construction-related services are not included.

Scope of Services:

ENGINEER will provide the following services to OWNER:

Preliminary Design Services:

1. Review existing drawings and pertinent documents from OWNER for existing Fire Department building.
2. Conduct a project kickoff meeting with OWNER in person to review the general layout and project details and perform a site walk of the spaces to be renovated.
3. Review State of Wisconsin and OWNER’s codes and standards applicable to the project.
4. Prepare design development drawings, specifications (50 percent completion), and other documents to describe the size and character of the architectural, mechanical, electrical and communications, and plumbing systems.
5. Prepare an opinion of probable cost at 50 percent completion.
6. Participate in meeting with OWNER via Microsoft Teams for review of the drawings. Document with meeting minutes and action item list.

Final Design Services:

1. Incorporate as appropriate review decisions and comments into drawings and specifications following the 50 percent design development review meeting.
2. Prepare Bidding Documents using Engineers Joint Contract Documents Committee C-700 Standard General Conditions of the Construction Contract, 2018 Edition, technical specifications, and engineering drawings in AutoCAD Civil 3D 2020 format.
 - a. Architectural drawings, sections, details, schedules, and specifications.
 - b. Plumbing and heating, ventilation, and air conditioning drawings, details, isometric drawings, schedules, and specifications.
 - c. Electrical and communications systems drawings and specifications including power and lighting.
3. Prepare final opinion of probable cost.
4. Present final documents to OWNER.
5. Submit final drawings and specifications sealed by a registered architect or engineer to the State of Wisconsin Department of Safety and Professional Services, if needed, and OWNER.

Bidding Related Services:

1. Distribute Bidding Documents electronically through QuestCDN, available at www.strand.com and www.questcdn.com. Submit Advertisement to Bid to OWNER for publishing.
2. Prepare addenda and answer questions during bidding.
3. Conduct electronic bid opening through QuestCDN. Tabulate and analyze bid results and assist OWNER in the award of the Construction Contract.
4. Prepare three sets of Contract Documents for Signature.

Compensation:

Preliminary estimate for the services provided on an hourly rate basis plus expenses is estimated to be between \$25,000 and \$30,000. This will become more defined if we prepare a Task Order.



Council Agenda Item

Meeting Date:	9/5/2023
Agenda Item:	Fire Department Bunk Room & Bathroom Design Proposal
Staff Contact (name, email, phone):	Chief Freeman, kfreeman@whitewater-wi.gov (262) 473-0116

BACKGROUND

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

The current Fire department bunk rooms were constructed from 2 closets, approximately 10 years ago and resemble jail cells. They are located in the basement of City Hall, directly below the Finance department, on the Fremont St side of City Hall. When staff receive a call for service in the middle of the night, they currently walk ¾ of a city block to get to the apparatus bay where the apparatus is located. This brisk walk takes just under a minute to complete, while adding time to the crew’s response to an emergent situation.

The most cost-effective solution to the problem would be to construct modern bunk rooms in the Police department breakroom area located directly off of the fire department apparatus bay. In this area are also 2 existing bathrooms with showers that staff would utilize on their way to the apparatus bay or for showering following a fire suppression call, cleaning up after an EMS call or to freshen up while working multiple shifts. These bathrooms are also in need of updating due to their current age of 20 plus years.

The current Fire department kitchen would serve as a shared space for both Police and Fire department staff.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

No previous actions have taken place.

FINANCIAL IMPACT

(If none, state N/A)

Estimate for design and bidding services would be provided on an hourly rate basis, plus expenses is estimated to be between \$25,000 and \$30,000.

STAFF RECOMMENDATION

On behalf of the Fire department staff working 24-hour shifts, I recommend Strand Associates for designing the new bunkrooms for the fire department due to their proven track record of designing and engineering capabilities for the City of Whitewater. With a strong focus on cost-effective solutions and compliance with all relevant codes and regulations, Strand Associates is the ideal choice to ensure that the fire department's bunkrooms meet the needs of staff, while ultimately reducing chute times, while increasing the well-being and operational efficiency of our dedicated firefighter/EMTs.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

Project information, scoop of services provided by Strand Associates along with pictures of the current bunkrooms and bathrooms.













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

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

August 24, 2023

Upon Councilperson Dawsey-Smith's request, please review the attached sample proposal and cost estimate for a community satisfaction survey.

Attached, you will find a sample quote and methodology provided by the NIU Center for Governmental Services, a public policy research and service organization. When considering community satisfaction surveys, and adhering to best practices, it is suggested to utilize a combination of online, mail, and telephone reminders. This approach ensures a higher response rate and a more diverse set of respondents, aligning with residents' preferred methods for completing the questionnaire. While this might entail increased preparation and costs, it guarantees the acquisition of accurate and statistically significant information that the organization can utilize for informed decision-making.

Additionally, it is advisable to translate the questionnaire into Spanish.

Potential survey topics may encompass aspects such as the quality of life within the City, overall satisfaction with the City's services, specific service satisfaction levels (e.g., public works, police), City priorities, and effectiveness of City communications and information sources.

Your guidance on how to proceed is appreciated. One potential path could involve instructing staff to include the budget for the community satisfaction survey in the 2024 budget. This would enable the initiation of a request for proposals to gather estimates, providing valuable financial insights without necessitating an immediate commitment from the council. Such an approach would allow staff to assess the project's financial feasibility while collecting essential follow-up information.

The City Manager would like to extend gratitude to the elected officials for their thoughtful consideration of this topic. This initiative, while not mission critical, aligns with our strategic goals, particularly those related to enhancing communication with the public and identifying avenues to effectively allocate resources and streamline operations. Your commitment to these objectives is truly appreciated and reflects a shared dedication to the betterment of our community.

Best Regards,

A handwritten signature in black ink that reads "John S. Weidl".

John Weidl
City Manager

NIU CENTER FOR GOVERNMENTAL
STUDIES

PROPOSAL TO
City of Whitewater
FOR A COMMUNITY SURVEY
May 8, 2023



NORTHERN ILLINOIS UNIVERSITY

Center for
Governmental Studies

Outreach, Engagement, and Regional Development

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COSTS 6

PROPOSAL TO THE CITY OF WHITEWATER FOR A COMMUNITY SURVEY

CENTER FOR GOVERNMENTAL STUDIES BACKGROUND AND STAFF EXPERIENCE

The Center for Governmental Studies (CGS) at Northern Illinois University (NIU) is a public policy research and service organization located at 148 N. Third Street, DeKalb, Illinois, 60115. The mission of CGS is to provide policy research and assistance, planning support, evaluation resources, and data and training services to national, state, and local government entities, private enterprises, public-private partnerships, and institutions of higher education. CGS has been a leading academic and applied research organization for Illinois and the entire country since 1969. CGS currently has 36 staff that are divided into six teams: survey research and data visualization, strategic management, policy, and community development, organization development, governance, and training, data informatics, workforce development, and association management.

One of the most popular services of CGS is survey research. Surveys conducted have covered a variety of subjects including satisfaction with services, public safety, economic development, housing, and other issues tailored to meet individual client's needs. CGS collects data using mail surveys, online surveys, telephone interviewing, multi-mode surveys, focus groups, and in-person interviews. CGS provides full service in every step of research design, survey construction, sampling, data collection, data analysis and reporting. It conducts both large and small studies and prides itself on being able to implement studies in a variety of subject matter areas, being creative in designing studies, and working with clients to conceptualize their research questions and implement studies that meet their objectives and resources. CGS is committed to providing actionable results that are collected in a professional and timely manner.

CGS has conducted surveys for more than 50 governmental and private sector organizations during recent years, including surveys for municipalities, counties, park districts, school districts, libraries, and health departments. Surveys have been conducted for the City of Elmhurst, Village of Hanover Park, City of Rochelle, City of Aurora, City of Freeport, City of Sandwich, City of Dubuque (IA), Village of Arlington Heights, Village of Round Lake Beach, Village of Bartlett, Town of East Haven (CT), Lake County, DeKalb County, Hanover Township Mental Health Board, Winnetka Public Schools, Batavia Public Library, St. Charles Park District, DuPage County Health Department, and Kane County Health Department.

Our proposed project team includes professionals with years of experience in survey research. The experience of our staff has included specialized studies for large and small organizations. The project team will be led by a senior staff member of CGS, Mindy Schneiderman, Ph.D., who will act as the Project Director. She will manage every step of the project to ensure that the client's research needs are met and meaningful, actionable results are provided. Dr. Schneiderman can be contacted at 815-753-0039 or schneiderman@niu.edu.

Dr. Schneiderman will be supported by CGS' professional staff members Julia Gommel Bailey and Ivy Hood. Other CGS staff will assist with the project as needed.

Mindy Schneiderman, Ph.D., Assistant Director, Center for Governmental Studies, Survey Research Team. Dr. Schneiderman manages the CGS Survey Research and Data Visualization Team. Prior to joining CGS, Dr. Schneiderman was the Associate Director of NIU's Public Opinion Laboratory from 2008-2013. She was the Director of the Division of Survey Research and Analysis at the American Medical Association for 11 years. Dr. Schneiderman has numerous publications on survey research methodology. She has taught workshops on conducting surveys and focus groups. Her survey research has been cited in the New York Times and Wall Street Journal and has been used in U.S. Congressional testimony. She has a Ph.D. in Cognitive Psychology from Rutgers University.

Dr. Schneiderman brings to the project more than thirty years of experience managing survey projects using mail, online, telephone and multi-mode survey data collection methodologies, as well as experience conducting focus groups and in-person interviews.

Julie Gommel Bailey, MPH, Research Associate, Center for Governmental Studies, Survey Research Team. Ms. Gommel Bailey has experience conducting community surveys for libraries, park districts, school districts, and municipalities. Examples include, City of Aurora, Batavia Public Library, Deerfield Public Library, Algonquin Area Public Library, as well as other community surveys. She has experience with data collection in mail, telephone, and online survey modes, as well as focus group moderating. Ms. Gommel Bailey holds an MPH with a focus in health promotion from Northern Illinois University. Ms. Gommel Bailey has thirteen years of experience managing survey research at NIU.

Ivy Hood, MPPA, Research Associate, Center for Governmental Studies, Survey Research Team. Ms. Hood has 7 years of research, analytics, and project management experience, including data analysis, designing, and conducting surveys, interviews, focus groups, workshops, and educational outreach in northern Illinois. Her experience includes work for the 2020 Census, economic development groups, elections authorities, electric vehicle and other transportation planning, collaborative governance, government revitalization, budgets, and community needs/development. She began working at CGS in April 2022 and completed a Master of Public Policy and Administration with a focus in public policy from Northwestern University in December 2022.

PROPOSED SCOPE OF SERVICES

To assist the City of Whitewater, obtain residents' opinions of the City, a community survey will be conducted using a multi-mode methodology (online, mail, and telephone reminder calls). A multi-mode methodology will achieve a higher response rate and more representative respondents than other methodologies by allowing residents to complete the questionnaire using their most preferred method.

INITIAL PROJECT MEETING

The CGS Project Team will meet with the City staff at the beginning of the project to discuss the objectives, methodology, and schedule for the survey. Weekly updates will be provided to the City staff during the project.

QUESTIONNAIRE DEVELOPMENT

We have assumed a four-page questionnaire and cover letter. The questionnaire and cover letter will be developed in consultation with the City staff. The CGS Survey Research Team will ensure that all questions are worded in an unbiased and non-leading manner.

Possible topics to be covered in the survey include:

- Quality of life in the City,
- Overall satisfaction and importance of services provided by the City,
- Satisfaction with specific services (e.g., public works, police),
- Priorities for the City, and
- City communications and sources of information about the City.

The questionnaire will be translated into Spanish. The questionnaire will be formatted and printed for mailing and programmed into our online survey software system.

SAMPLE

The Center for Governmental Studies will purchase from the Marketing Systems Group, a survey research sampling firm, mailing addresses, email addresses, and telephone numbers of a random sample of approximately 2,000 households in the City. We estimate we will receive 500 completed questionnaires. With about 4,200 households in the City, the margin of error for the findings will be approximately ± 4.1 percentage points.

PRETEST

CGS will pretest the questionnaire with approximately 20 households. The pretest is designed to gauge whether the respondents understand the questions being asked and can provide the necessary information. Upon completion of the pretest, CGS will review the results with the City staff and collaboratively determine if there are any revisions necessary to the questionnaire.

DATA COLLECTION

CGS will work with the City staff to develop communications about the survey prior to and during the data collection period. These communications will be important to achieve a high response rate for the survey.

All sampled households will be sent an invitation email to participate in the survey that briefly explains the purpose of the survey, how the results will be used, express assurances of confidentiality, identify the City of Whitewater as the sponsor, and provide a unique link for completing the online survey. Up to four reminder emails will be sent to non-responding households. Four weeks after the invitation email is sent, nonresponding households will be mailed a cover letter, the questionnaire, the description of services document, and a self-addressed, stamped envelope in which to return the questionnaire to CGS. The cover letter will explain the purpose of the survey and how the results will be used, express assurances of confidentiality, identify the City of Whitewater as the sponsor, and provide a web address and unique password for completing the online survey. The cover letter will also include CGS' telephone number if the individual has questions about the survey. Two weeks after the questionnaire is mailed CGS will begin reminder calls.

DATA ANALYSIS

The data will be weighted to reflect the demographics of the population using the 5-year estimates from the American Community Survey.

Frequencies of responses for all closed-ended questions will be produced. Crosstabs by key demographic variables for all closed-ended questions, including but not limited to respondent's gender, respondent's age, respondent's race/ethnicity, whether they are a student at the University of Wisconsin Whitewater or not, annual household income, household's location in the City, and years living in the City will produced. Chi-square tests will be conducted to determine statistically significant differences between groups. Open-ended responses will be analyzed using content analysis.

FINAL REPORT

A written report of the survey results, including executive summary, background and purpose of the project, methodology, results with graphs and tables, conclusions, survey instrument, and verbatim comments will be provided.

PROPOSED SCHEDULE

We estimate, based on similar past projects that it will take approximately 3.5 months to complete the project.

COSTS

The cost for conducting the work described in the survey proposal is **\$14,000** and is guaranteed through December 31, 2023. The proposed figure includes all personnel costs, as well as travel. The final deliverables will be an electronic copy of the report. Costs have been broken out by project activities below.

Description of Activity	Cost
Questionnaire Design	\$700
Data Collection	\$10,800
Data Analysis/Reporting of Results	\$2,500
Total	\$14,000

Option-Online survey link distributed by the University of Wisconsin Whitewater to all students who live on campus. Additional Cost-\$2,500.



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MEMORANDUM

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Telephone: (262) 473-0104
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To: Common Council
From: John Weidl, City Manager
Date: 8/29/2023
Re: City of Whitewater 2023 City Manager Plan: Summary and Update

Dear Common Council,

Executive Overview

The City of Whitewater's 2023 City Manager Plan is a pivotal blueprint that charts a progressive direction for the city. Offering a robust structure for the upcoming year, this document demonstrates the city manager's determination to focus on growth, inclusivity, and efficient governance. What hopefully stands out is the comprehensive approach taken to ensure the city remains vibrant and sustainable. The following summary and analysis shed light on the notable elements of this plan as well as provide an update.

The plan's essence is captured in its vision – striving for Whitewater to be a safe, welcoming, and vibrant community. This vision is bolstered by its mission, which emphasizes delivering high-quality services that cater to the needs of an exceptional community. The 2023 strategy is structured around several key components: staff engagement, strategic planning, emergency services, economic development, training, and compensation.

Engagement with Staff, Departments, and Committees

The plan emphasizes building bridges within city management. The positive implication of this is clear: fostering a harmonious work environment will lead to a more efficient and synergistic city administration. This forward-thinking move promotes a unified front, creating a space where everyone feels valued and heard. The belief that collaboration is the bedrock of success is beautifully encapsulated here.

Strategic Planning

Whitewater's strategic planning shows a keen understanding of the city's potential and its challenges. By focusing on housing policies, improving business relations, and enhancing public communication, the city is positioning itself as a hub for growth and development. The intent to move in tandem with global trends while preserving its unique local flavor is commendable.

Fire/EMS Staffing

The decision to enhance the Fire and EMS staffing, especially by adding a full-time Chief, is a clear indication of the city's commitment to the safety of its residents. By working to improve response times, Whitewater is elevating its emergency services to be among the best in the region, a move that speaks volumes about its dedication to its citizens.

Economic Development

Economic growth is at the heart of any city's success, and Whitewater's 2023 plan places it front and center. By fostering stronger financial relationships and reworking housing policies, the city is not only laying down the groundwork for economic prosperity but also ensuring its residents benefit from it. The plan's emphasis on economic development is a testament to the city's forward-thinking approach.

Training Milestones

One of the standout aspects of this plan is its emphasis on training. By setting out a comprehensive training regimen for all tiers of city management, Whitewater is investing in its most valuable asset – its people. This move will undoubtedly lead to a more effective and ethical administration that is well-equipped to serve its community.

Compensation and Staffing

Aligning the city's compensation structure with that of similar Wisconsin communities shows Whitewater's commitment to fairness and competitive practices. By ensuring that its staff is compensated fairly and exploring areas for cost reduction, the city is striking a balance between fiscal responsibility and employee satisfaction.

Summary and Conclusion

The City of Whitewater 2023 City Manager Plan is a blend of vision and pragmatism. At its core, it exhibits a deep understanding of the city's unique challenges and opportunities. The emphasis on collaboration and training indicates a proactive approach to governance, one that understands the value of human capital and the importance of the public's input.

Moreover, the plan's focus on strategic planning, especially in areas like housing and economic development, shows foresight. By positioning itself for growth in these sectors, Whitewater is ensuring its continued relevance and prosperity in an ever-evolving world.

The commitment to safety, as evidenced by the enhancement of Fire and EMS services, speaks volumes about the city's priorities. It is clear that the well-being of its residents is paramount.

Lastly, the initiatives around compensation and staffing underscore a commitment to fairness, equity, and fiscal responsibility. It's heartening to see a city that values its employees while also keeping an eye on the bottom line.

The City of Whitewater's 2023 City Manager Plan paints a promising picture for the future. It is a roadmap that not only addresses the immediate needs of the community but also lays the groundwork for long-term success. The plan's focus on collaboration, growth, and the well-being of its residents is a clear indicator of the city's dedication to excellence. With this plan in action, Whitewater is poised for a bright and prosperous future.

Regards,



John S. Weidl, City Manager

Attachments: September Update to **City of Whitewater 2023 City Manager Plan**

City of Whitewater 2023 City Manager Plan

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

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

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

Focus areas:

- 1) Meet Various Staff, Departments, and Committees
 - a. Schedule tours with each department and leadership team

Update Successfully Finished. Moreover, following the HR overhaul, every newly recruited individual now receives an onboarding schedule. This includes guided tours of pertinent departments and introductions to key personnel like those in HR, Finance, and so on.

- b. Attend at least once annually committee meetings for each City-led committee/board

Update - Currently Underway. Progress is on track. Now that we have appointed a Finance Director, it's imperative for the Finance Committee to convene. The Community Involvement and Cable TV commission has not met since the TV station was reinitiated. We've merged the Pedestrian and Bicycle advisory committee, and we'll be proposing further efficiency measures in 2024.

- c. Meet semi-annually with departments/staff to facilitate dialogue and share organizational information

Update - Accomplished and Ongoing. Moreover, we've initiated a quarterly luncheon dedicated to rising leaders. Human Resources is rolling out Stay Interviews, and we're planning cross-departmental open houses throughout the upcoming year. These are timed with holidays to promote interaction among city-wide employees.

- 2) Increased Communication and Teamwork – Strategic Planning
 - a. Facilitated Strategic Planning Workshops

Update – Finalized and endorsed by the Common Council with five primary objectives: increased single-family housing, enhanced relations with the business community, superior public communication, optimized recruitment and retention, and strategies for levy caps and fiscal limitations. The draft for the 2024 Strategic Planning materials is expected in October, detailing our achievements in 2023 and objectives for 2024. Numerous ongoing projects and programs resonate with these strategic aims, including a rejuvenated social media and TV footprint, pay-scale adjustments and benchmark research, the establishment of a ratified Affordable Housing Policy, among others.

b. Biennial Plan linked to Budget Document

Update - Underway and set to finalize during the annual budget procedure. It's imperative to note that the budget requires annual approval. Adopting a biennial perspective coincides with the State's budgetary approach, our strategic objectives, and grants department heads the flexibility for multi-year planning and implementation.

3) Implement Referendum Strategy – Fire/EMS staffing

a. Management and staffing structure for 27/7 coverage

Update – Finalized. I'm both honored and delighted to report that our response times have been reduced by 50%, and we still see potential for further enhancement. In 90% of instances, we are responding in under 3 minutes. Our Fire and EMS teams have managed demanding workloads, handling as many as 22 calls within a 24-hour span. We have earned our Paramedic Certification. I'm confident in stating that our Fire and EMS department stands out as the most improved in the Tri-County region, if not the entire State.

b. Onboarding, training, and management program for first 3-5 years

Update - The preliminary plan has been finalized, but continuous progress remains a priority. We've secured our Paramedic Certification. The training and onboarding framework has undergone significant enhancement and has been digitalized. Our team consistently meets training milestones promptly. By 2024, the management structure will be in full swing as Fire/EMS is set to appoint a full-time Assistant Chief or EMS Chief, positions which are currently part-time. The Chief has a clear roadmap, and it will be addressed within the budget. Everything is progressing according to his timeline.

c. Hire FT Chief within 120 days

Update – Finalized. Kelly is an exceptional Chief. Even a national search couldn't have yielded a better candidate. Jason, Ryan, Joe, and the entire leadership team have our full trust to oversee their respective operations. They deserve high praise.

4) Re-Establish Economic Development Platform

a. Establish reporting and financial relationships between Economic Development Director, CDA, and Manager/City Council

Update - Largely accomplished. We recommend further training for management personnel and elected representatives. The CDA is in the process of assessing its loan programs for compliance and making necessary updates in response to market conditions. The Common Council has greenlighted a revised City Manager evaluation policy. Currently, competencies and various other aspects are being addressed through Human Resources.

b. Facilitate creation of Housing Policy and guidance for TIF Extension monies

Update - Finalized and endorsed by the Common Council. I've gone through an initial subdivision plan for the East side. The City is collaborating with a developer concerning Meadowview Court. We're in the early planning phases for a subdivision on the City's West side. Our progress is commendable.

c. Hire CDA Director by July, 2023

Update - Not yet finished. The CDA Interview team is relisting for the 3rd time, now with the aid of GovHR. From my discussions with Human Resources, the CDA's choice to repost seems well-advised.

- 5) Develop Annual Training milestones for City Manager, staff, boards, and committees
 - a. All Staff: Sexual harassment, workplace misconduct, retaliation and active shooter, and others as determined by City Manager, HR Manager, Police Chief, and CVMIC

Update - Complete and always ongoing for staff. Boards and committees onboarding is now a digital video so the content is always available to current and prospective members.

- b. Boards and Committees: Robert's Rules of Order, Open Meetings Law, Open Records Law, conflicts of interest as determined by City Clerk and Attorney

Update - Finalized and ongoing. Five Common Council members underwent training regarding the responsibilities of elected officials. The Common Council opted not to set a training policy for the elected officials. Committees now have digital resources and training at their disposal. A Common Council member has requested that training for the Common Council be included in the April 2024 agenda.

- c. City Manager: 9-Course Leadership Training Module and additional training as determined by HR Manager and City Manager
 - i. Policy Development, Succession Planning, Retaining and Training, Leadership Challenge, Project Management, Negotiations for Leaders, Recruiting, Interviewing and Hiring, Performance Evaluations, Strategic Planning and Visioning

Update- In progress. All classes are scheduled. 8 of 11 classes complete.

- ii. Additional Training: Coaching and Feedback, Leadership: technical skills, soft skills, and people view, and Mentoring for Leaders

Update – Complete

- 6) Establish a City-wide compensation and staffing structure that brings the City into alignment with its comparable Wisconsin communities and ability to pay

Update - Underway. The Common Council has directed staff to prioritize non-department head roles. The approach is to handle this internally by reaching out to other municipalities and collaborating with the Cities and Villages Mutual Insurance Company (CVMIC).

- a. Evaluate areas for consolidation through attrition, outsourcing, and other measures to reduce costs, where applicable

Update - Finalized and ongoing. We've restructured Media Services, integrating it with the City Manager's Chief of Staff role, downsized the GIS staff, and are considering the outsourcing of code enforcement.

- b. Study and initiate multi-year plan to align staffing and compensation with comparable communities.

Update - In progress. See above.

- c. Establish written succession planning in applicable departments

Update - Underway. We initiated with the Chief of Staff/Executive Assistant role. Efforts for Media services and the Clerk's office are currently in motion. The City Manager's office and Human Resources are set to begin gathering pertinent data via stay interviews. Additionally, they aim to cultivate upcoming leaders through initiatives like leadership luncheons, continuous training, development programs, and exploring other best-practice methods.

Strategic objectives:

- 1) Increased productivity through clear, direct, and consistent communication.

Update - Examples underway include our new social media guide, WAFC Business Plan, Action Plan and Marketing Plan, and the City's recently approved Strategic Plan.

- 2) Establish programs that create growth in the tax and employment base.

Update - Current initiatives in progress encompass the implementation of the Affordable Housing Policy, the CDA's overhaul of its loan programs to introduce matching grants and competitive interest rates, and the collaborative effort between the City and CDA in selling two land parcels for industrial development this year. These parcels are projected to add 30,000 and 100,000 square feet of taxable industrial growth, respectively. Furthermore, the City is collaborating with a developer to position the Whitewater Grocery Co-op in the Downtown area, and we've greenlit developments for both Aldi – a significant milestone - and Starbucks.

- 3) Ensure appropriate training and accountability for performance improvement.

Update – In progress. The Clerk's office has now embraced a culture of continuous learning and actively participates in relevant training sessions. The introduction of Badger books aims to streamline the election process and reduce reconciliation time. There's an ongoing initiative in the Clerk's office to digitize all forms. For operational efficiency during high-demand periods, one of our finance team members has undergone training and certification by the Municipal Clerk's Institute. Human Resources has diligently updated and maintains comprehensive files for all employees. Cross-training has been implemented for the online HR platforms, ensuring all staff utilize a standardized software for HR-related materials. To further enhance employee performance, training requirements have been integrated into the improvement and discipline processes. Our collaboration with CVMIC is resulting in an updated employee handbook/policies, and an in-depth study on employee compensation is underway. The digitization movement continues with Neighborhood Services now accepting online permit applications and payments. All staff undergo essential training sessions, including those on sexual harassment, active shooter scenarios, and other department-specific topics.

- 4) Safeguard the taxpayer's investment in City services through transparent and forthright management practices.

Update - Under the current City Manager's leadership, the City has witnessed significant enhancements in its operations, achieving levels of efficiency, effectiveness, and transparency that stand out in recent history. The establishment of a 24/7 Fire and EMS service, which is fully funded without the necessity for equipment loans, is a notable accomplishment. Staff-formulated policies undergo a meticulous review using transparent and accountable measures, such as open houses, public readings, and community interactions as deemed necessary.

Now, more than ever, and certainly surpassing pre-pandemic times, the City is accessible across diverse platforms: online, TV, and in-person. A prime example of their unwavering commitment to transparency and accountability towards taxpayers is evident in the exhaustive reporting and strategic planning for the Whitewater Aquatic and Fitness Center (WAFC). Faced with constructive yet sharp feedback, the staff exhibited tenacity and dedication. Positive outcomes abound: memberships have increased, budgetary alignments are underway, lifeguard staffing has seen a significant uplift, and the staff's capacity to address criticism constructively, without taking it personally, has been commendable. Their enduring dedication was transparent during the six rigorous months of consistent public scrutiny.

Additionally, the success of the referendum is worthy of mention. The team aimed for excellence, and the results surpassed those aims. An overwhelming 65% of voters endorsed the City's Fire and EMS referendum. What did the staff accomplish post this approval? A remarkable reduction in response times by half and earning the City Manager's unwavering faith in the staff's capabilities to enact transformative changes.

Projects: Strategic Planning, Biennial Budget, Capital Improvement Plan, annual performance evaluations, WUSD and City of Whitewater WAFC agreement, recruitment of CDA Director.

Update – Based on extensive employee feedback indicating that the performance evaluations are not serving as constructive tools for improvement or as effective mechanisms within the compensation framework, comprehensive reviews will be postponed until 2024, giving Human Resources time to work with the leadership staff and CVMIC to craft something that will be useful. All other tasks are either completed or progressing as planned.

Current situation: Recently approved referendum for Fire and EMS. Slow economic growth. Recruitment challenges. No current strategic/operational plan. Many projects, policies, and planning documents left unfinished by former City Manager. Solid development assets (land, CDA, etc.). Many above averages and several exceptional performers in various departments. Operating budgets are tight. Documentation and accountability suboptimal in previous years.

Update – We are on the upswing and by this point we would need to be. Affordable Housing Policy Approved. Strategic Plan Approved. Code Enforcement Rewrite – In progress. Badger Books – in progress.

Future perspective: Immediate concerns are the projected decrease in MPS payments, projected to result in a loss of \$250,000+/- annually to the general fund and the negative impact of higher interest rates on the City's ability to borrow (e.g. if we borrow \$1M per year and \$250K is interest payments, we spend \$750K on capital. Now interest is more like \$350K, which results in \$650K to spend, or less effective purchasing power. Numbers are illustrative).

Medium term, the City and WUSD need to come to an agreement regarding the WAFC and its operations and funding. Also, the City needs a strategy and direction for creating sustainable increases in tax base and employment using existing resources, namely affordable housing monies and City-owned parcels that are backed by live tax increment financing districts.

Long-term, staff and I need clear direction from the City Council regarding how to manage constrained budgets and inflating costs. There is a high likelihood that the organization will need to reduce its total number of employees within the next 24 to 48 months if serious steps are not taken to shore up declining revenues and/or consider other revenue generating options. Also long term, the City has large capital needs for DPW, and large repairs for buildings at City Hall, WAFC, and other City-owned buildings across the City.

We have plenty of time. We need to be proactive and collaborative. By the end of year one, we will have a strategic plan, an economic development platform, and a biennial budget that ensures we have a financial plan moving forward.

Update – In 2024, the City is expected not to receive the Expenditure Restraint Payment, primarily due to the budget augmentation resulting from the referendum, though this is projected to resume in 2025. Additionally, reimbursements from the University for dispatch services will be discontinued. These changes are anticipated to lead to a revenue shortfall of approximately \$510,000 for the City in 2024. Conversely, state shared revenue is projected to see an upsurge of \$690,000. This results in a net revenue increase of roughly \$180,000 against an \$18,000,000 budget, signifying a 1% revenue augmentation. The City's growth stands at a modest 0.08%. Nevertheless, the primary takeaways of this section remain valid.

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To City of Whitewater Common Council
From Rick Manthe
Date August 28, 2023
Re Regulation of Mobile Home Communities

Introduction

The City of Whitewater requested an opinion regarding the City’s authority to regulate two aspects of mobile home communities:

1. Establishing unit limits in any one mobile home community.
2. Imposing charges or special assessments for municipal or educational services.

As explained more fully below, the City can place a limit on the number of units in any mobile home community. However, there is no clear answer on imposing special assessments for municipal or educational services, but a good argument exists that the City could implement reasonable special assessments.

Analysis

1. Community Unit Limits.

As it pertains to mobile homes, the City has significant regulatory authority to “[l]imit the number of units that may be located in any one community.” Wis. Stat. § 66.0435(2)(b)3. The term “unit” means “a single manufactured or mobile home.” Wis. Stat. § 66.0435(1)(j).

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The word “community” means “a manufactured and mobile home community.” Wis. Stat. § 66.0435(1)(am). Thus, the plain meaning of this statute grants the City authority to limit the number of homes allowed in communities.

The only limitation is that any unit limit must be in “order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using communities for living.” Wis. Stat. § 66.0435(2). As a result, if the City wishes to establish a limit of the number of units in mobile home communities, the ordinance should make clear that the City finds that the limit will “protect and promote the public health, morals and welfare” and “defray the cost of municipal and educational services” needed to serve mobile home communities.

2. Special Assessments for Municipal and Educational Services.

The City’s authority to impose special assessments for “municipal and educational” services is unclear because there are conflicting plausible statutory interpretations, and even potential levy limit consequences.

Cities may “levy and collect special assessments to defray the cost of municipal and educational services furnished to a [mobile home] community.” Wis. Stat. § 66.0435(2)(b)2. While this statute seems straightforward, its unique use of terms makes interpreting this section complex.

The Legislature’s use of the phrase “special assessments” is not consistent with the standard definition of the phrase. Typically, “special assessment” means “an amount entered in the tax roll as an assessment against real property to compensate **for all or part of the costs of public work or improvements** which benefit the property.” Wis. Stat. § 74.01(3). (emphasis added). This statutory definition is consistent with the common usage of the term “special assessment” as a tool to recover the costs of physical improvements. It is also consistent with the special assessment process under Wis. Stat. § 66.0703, which establishes the procedure for imposing special assessments against property to recover the costs of public improvements.

However, in the context of the mobile home statute, the term “special assessment” is used as a cost recovery mechanism for “municipal and educational services” as opposed to construction of physical infrastructure. The phrase’s use in the context of providing services is not consistent with how the term is defined in other statutes and its historical usage.

Since the “special assessment” would operate more like a charge for services, it is possible a court might interpret this provision akin to a special charge under Wis. Stat. § 66.0627. Special charges may be imposed “against real property for current services rendered by allocating all or part of the cost of the service to the property served.” Wis. Stat.

§ 66.0627(2). Again, while this is a broad grant of authority, some special charges can lead to a negative levy limit adjustment if used for “garbage collection, fire protection, snow plowing, street sweeping, or storm water management.” Wis. Stat. § 66.0602(2m)(b)1. Charges for those services result in a negative levy adjustment up to the amount spent from the City’s levy in 2013 for providing those services. Consequently, special charges for these services would likely be revenue neutral for the City if imposed solely in mobile home communities. However, services such as police, ambulance, or educational services would not have a negative levy adjustment if a court were to determine the mobile home community special assessment was actually a special charge.

Another risk is that a court determines the special assessment is actually a property tax. “The purpose, and not the name it is given, determines whether a government charge constitutes a tax.” *Bentivenga v. City of Delavan*, 2014 WI App 118, ¶6, 358 Wis. 2d 610, 615, 856 N.W.2d 546, 548. In differentiating between a tax and a charge, the “primary purpose of a tax is to obtain revenue for the government, while the primary purpose of a fee is to cover the expense of providing a service or of regulation and supervision of certain activities.” *City of River Falls v. St. Bridget's Cath. Church of River Falls*, 182 Wis. 2d 436, 441–42, 513 N.W.2d 673, 675 (Ct. App. 1994). For example, the Wisconsin Court of Appeals previously upheld a charge designed to recover the entire cost of providing fire protection in a town. The court upheld the charge as a fee because the amount of charges collected would never exceed the cost of providing fire service. *Town of Hoard v. Clark Cnty.*, 2015 WI App 100, ¶13, 366 Wis. 2d 239, 873 N.W.2d 241.

Conversely, the Wisconsin Supreme Court recently determined that a statute allowing municipalities to create transportation utility districts and fund them via “taxation of the property in the district” was a property tax and subject to levy limits. *Wisconsin Prop. Taxpayers, Inc. v. Town of Buchanan*, 2023 WI 58, ¶13, 408 Wis. 2d 287, 992 N.W.2d 100. In that case, a town designed a transportation utility district, which Wisconsin law expressly authorized. The enabling statute allowed the district to fund its operations via “taxation of property in the district.” Wis. Stat. § 66.0827(2). The Town of Buchanan then created a funding formula derived from a statistical analysis of road usage by various property types within the municipality and dividing properties into various use categories. *Wisconsin Prop. Taxpayers, Inc. v. Town of Buchanan*, 2023 WI 58, ¶13. However, the Court concluded that the statutory phrase “taxation of the property in the district” was merely another way of saying “property tax.” Consequently, despite a specific statutory authorization to impose the tax, the Court concluded the utility charge was a property tax subject to levy limits.

As it applies to mobile home communities, although there is no definitive answer, special assessments or charges imposed for “municipal and educational services” would arguably not qualify as a tax if designed correctly. First, City is statutorily authorized to impose special assessments to defray the costs of providing “municipal and educational services” to a mobile home community. Unlike a general property tax where the goal is to raise

general purpose revenue, these assessments would only be to defray the costs of services actually provided to a particular mobile home community. The City would need to design the special assessments in such a manner that revenue collected did not exceed the actual costs of providing services to the mobile home community. For instance, a fee for police services could be based on the number of calls for service to a mobile home community in the previous year. A fee for emergency medical services could similarly be based on higher call volume than other areas of the community experience.

As explained above, there is risk with imposing special assessments against mobile home communities. If a court were to find these special assessments were actually a tax, then the City would lose a portion of its shared revenue equal to the amount of imposed special assessments for exceeding the levy. Additionally, a mobile home community operator may have a claim that the special assessments violate the Wisconsin uniformity in taxation requirement. Thus, there is risk associated with pursuing special assessments for mobile home communities.

Conclusion

The City has broad authority to establish regulations governing mobile home communities. The City has express statutory authority to establish unit limits in mobile home communities. Moreover, the City may impose special assessments against a mobile home community to defray the costs of municipal and education services, but there is risk that those special assessments could have negative levy limit effects.



Council Agenda Item

Meeting Date: August 15, 2023

Agenda Item:

Staff Contact (name, email, phone): Sara Marquardt, smarquardt@whitewater-wi.gov, 262-473-1387

BACKGROUND

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

1. Council member Allen requested an agenda item to discuss hiring a temporary, hourly assistant to the city manager.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

Unknown – not in the salary resolution or budget.

STAFF RECOMMENDATION

In light of the City Manager's intent to resume his full-time position effective September 4, 2023, Staff does not recommend hiring a temporary assistant.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

N/A