



**CITY OF WHITEWATER COMMON COUNCIL
Common Council Meeting**

February 2, 2021 – 6:30 p.m.

Due to Coronavirus Concerns, this will be a VIRTUAL MEETING. (not in person). Citizens are welcome (and encouraged) to join via computer, smart phone or telephone. Citizen participation is welcome during topic discussion periods.

You are invited to a Zoom webinar.
Hi there,

You are invited to a Zoom webinar.
When: Feb. 2, 2021 06:30 PM Central Time (US and Canada)
Topic: Common Council Meeting (VIRTUAL MEETING)

Please click the link below to join the webinar:
<https://zoom.us/j/94624357273?pwd=R2hiRnlhaVluM2RneTZOdKNTSzMZUT09>

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CONSENT AGENDA:

CA-A	Approval of Council Minutes of 12/15/20.	P. 1
CA-B	Acknowledgment of Receipt and Filing of the following: *Irvin L. Young Memorial Library Board minutes of 12/21/20; - P. 58 *Finance Committee minutes of 12/10/20; - P. 63 *Parks and Recreation Board Minutes of 12/16/20 - P. 67	P. 58
CA-C	Expedited Approval of the Following Items, per City staff recommendation: O-2; O-3	n/a

CITY MANAGER REPORT.

STAFF REPORTS:

Whitewater Arts Alliance	Annual Report	P. 70
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HEARING OF CITIZEN COMMENTS: No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three-minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

RESOLUTIONS:

R-1	Resolution authorizing the redemption of the City's Taxable General Obligation Community Development Bonds (Build America Bonds – Direct Payment), dated February 8, 2010. (Finance Director Request).	P. 75
R-2	Adoption of 2020 Budget Amendment Resolution No. 2 (Finance Director Request).	P. 78

ORDINANCES – First Reading

O-1	Prohibiting Smoking and Vaping in City Parks. (Councilmember Schulgit Request).	P. 80
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ORDINANCES – Second Reading

*O-2	Ordinance amending Section 2.52.030 regarding term limits on the Parks and Recreation Board. (Councilmember Allen request).	P. 84
*O-3	Ordinance amending Section 2.12.011 – regarding term limits. (Councilmember Allen request).	P. 86

CONSIDERATIONS:

C-1	Discussion and possible direction regarding holding of City meetings virtually vs. in person. (Councilmember Binnie Request).	P. 87
C-2	Action on Memorandum of Understanding with Bird Rides, Inc. authorizing electric scooter rentals within City. (City Manager Request).	P. 88
C-3	Requests for Future Agenda Items and Future POLCO questions.	n/a
C-4	EXECUTIVE SESSION. Adjourn to Closed Session, NOT TO RECONVENE, pursuant to Wisconsin Statutes 19.85(1)(c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility." Item to be Discussed: Annual City Manager Performance Evaluation.	n/a

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk at least 72 hours prior to the meeting.

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

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

December 15, 2020.

The regular meeting of the Common Council was called to order by Council President Binnie at 6:30 p.m. The meeting was held virtually due to coronavirus. MEMBERS PRESENT: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. MEMBERS ABSENT: None. LEGAL COUNSEL PRESENT: Wallace McDonell.

It was moved by Singer and seconded by McCormick to acknowledge receipt and filing of the following: Community Development Authority Minutes of 10/22/2020; Irvin L. Young Memorial Library Board Minutes of 10/19/2020; Community Involvement and Cable Television Commission Minutes of 1/28/20; Public Works Committee Minutes of November 10, 2020; and Finance Committee Minutes of 10/8/20, 10/13/20 and 10/14/20. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

CITY MANAGER REPORT. The report was postponed.

STAFF REPORTS: UWW Student Government Intergovernmental Affairs Director Will Hinz, and WSG President Jody Wentworth informed Council of their recently-adopted Resolution, expressing appreciation to the individuals in charge of the November election. They expressed appreciation for to the City staff members who navigated multiple polling places, a pandemic, and a large influx of absentee ballots. City Manager Clapper indicated that the Neighborhood Services Director position opening has been advertised. Applications are due mid-January, and the wage rate is pending as the job description is being reviewed internally. Clapper reported that the CDA and Neighborhood Services Department have collaborated to assemble contact information for the business community. Also underway is a change to the occupancy permit process. City Attorney McDonell will assist by reviewing the documents prior to them being mailed out. Councilmember Binnie inquired about the change of ownership fee mentioned in the paperwork. Clapper reported that the Public Works Facility Study has been provided to the Public Works Committee and it will be brought before Council in January. Finance Director Hatton reported on the Ride Share program grant submission, which was submitted to the State by the December 15th deadline. Clapper reported that the CDA will begin the process of purchasing rental properties and restoring them to single family homes. They will kick off with the purchase of 206 E. Cravath Street.

CITIZEN COMMENTS: None.

RESOLUTION RECOGNIZING MIGRATORY BIRD DAY.

World Migratory Bird Awareness Day Resolution

- **Whereas**, migratory birds are some of the most beautiful and easily observed wildlife that share our communities, *and*
- **Whereas**, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide, *and*
- **Whereas**, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winterhomes, *and*
- **Whereas**, public awareness and concern are crucial components of migratory bird conservation, *and*
- **Whereas**, citizens enthusiastic about birds, informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining health bird populations, *and*
- **Whereas**, since 1993 World Migratory Bird Day (formerly International Migratory Bird Day) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S., *and*
- **Whereas**, while WMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants, *and*
- **Whereas**, WMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action,

NOW THEREFORE , the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby proclaim December 16, 2020 as World Migratory Bird Awareness Day, and the City of Whitewater urges all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Resolution introduced by Councilmember Singer, who moved its adoption. Seconded by Councilmember Schulgit. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: December 15, 2020.

Dated this 15th day of December in the year 2020.

PUBLIC PARTICIPATION PLAN AND CLOSE OUT ON CDBG WATER TOWER. City Manager Clapper indicated that for years, the City has been managing a Community Development Block Grant (CDBG) revolving loan fund for the business community. Federal dollars are provided

to the City. Those funds are subsequently provided to new or expanding businesses that are able to create job opportunities. Loans of up to \$20,000 per job creation can be made, as long as minimum criteria is met. The program, administered through the State, provided this authority to municipalities decades ago. Funds not fully utilized are in the process of being consolidated. The State is requesting that unused dollars be returned to the State. The State will then redistribute those funds in a different manner. Clapper indicated that Whitewater has been asked to return the funds. The City will be returning funds for the revolving loan program as well. Also, the City will be paying off outstanding loans for existing loans to businesses. The opportunity that has now arisen is the ability to apply for a grant for an amount equivalent to the amount for eligible CDBG projects. At this point, the proposed project is to expend funds towards construction of a new water tower. Plans were underway to develop one in the next five years, but the project will move up on the timeline. The City is moving forward with the application. A new Public Participation Plan is needed for the project. The City has scheduled a Public Hearing on the new water tower for January 12. The grant application is due January 31, 2021. Clapper indicated there will be additional discussion regarding this matter at the January council meeting. Councilmember Singer indicated that the timeline is compressed, and commended Public Works Director Marquardt and CDA Director Anderson on a tremendous job maximizing dollars. Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Singer. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None.

Resolution to Adopt a Citizen Participation Plan

WHEREAS, the City of Whitewater has applied for a Community Development Block Grant (CDBG); and

WHEREAS, the State of Wisconsin Department of Administration (DOA) and the U.S. Department of Housing and Urban Development (HUD) require recipients of Community Development Block Grant (CDBG) monies to have in place a Citizen Participation Plan; and

WHEREAS, the Citizen Participation Plan shall encourage citizen participation (especially by persons of low to moderate income), provide citizens reasonable and timely access to local meetings and information, provide for technical assistance, provide for public hearings, provide for complaint procedures, and accommodate non-English speaking residents; and

WHEREAS, the City of Whitewater Public Works Committee will act as the Citizen Participation Plan Committee; and

WHEREAS, the City of Whitewater has prepared
(County, City, Village, or Town) *(UGLG/Unit of General Local Government's Name)*

and publicly reviewed a Citizen Participation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council
(City Council, County Board, Village Board, Town Board)

of the City of Whitewater officially
(County, City, Village, or Town) (UGLG/Unit of General Local Government's Name)

adopts the Citizen Participation Plan.

ADOPTED on this 15 day of December, 2020. ATTEST: _____
(Day) (Month) (Year)
(Signature of Clerk)

The governing body of City of Whitewater Common Council has authorized the above resolution
(UGLG/Unit of General Local Government's Name)

by Resolution No.: n/a, dated December 15, 2020.
(Resolution Number) (Date Authorized)

Cameron L. Clapper City Manager 12/15/2020
Signature of the Chief Elected Official Title
Date Signed

Cameron L. Clapper, City Manager
Typed Name of the Chief Elected Official

RESOLUTION ADOPTING SALARIES FOR CITY EMPLOYEES FOR 2021. Each year the City adopts a Resolution authorizing number of city employees and salaries for those employees. Resident Lisa Dawsey Smith asked that a correction to the Library Maker Space Librarian position, which was increased from part-time to full-time, be made.

2021 Salary Resolution

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, set forth the wage and salary schedule in which wages are established for employees during 2021

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that the following ranges and numbers of employees in the 2021 Wage and Salary Schedule are hereby adopted pursuant to Wisconsin Statutes: and

BE IT FURTHER RESOLVED that the contents of this resolution shall supersede such previously adopted schedules where the subject matter between the two shall be in conflict, and the changes contained herein shall be effective beginning January 1, 2021.

Position	Department	Minimum Hourly	Maximum Hourly	Minimum Annual	Maximum Annual
Accountant	Finance and Administrative Services	\$19.33	\$24.92		
Accounting Technician II	Finance and Administrative Services	\$16.81	\$21.67		
Activity Instructors	Parks and Recreation	\$7.75	\$11.00		

Activity Leaders / Lifeguards & WSI Aide	Parks and Recreation	\$9.25	\$12.24		
Administrative Assistant I - Utilities	Department of Public Works	\$16.81	\$21.67		
Administrative Assistant I- Neighborhood Services	Neighborhood Services	\$16.81	\$21.67		
Administrative Assistant I - Records Technician	Police	\$16.81	\$21.67		
Aquatic & Fitness Programmer	Parks and Recreation			\$45,036.56	\$58,071.40
Assistant Library Director	Library			\$48,556.79	\$62,608.60
Athletic Program Coordinator	Parks and Recreation			\$34,964.80	\$45,071.89
Building Maintenance	Parks and Recreation	\$23.01	\$27.92		
Camera Operators	Public Relations and Communications	\$7.25	\$10.37		
Captain	Police			\$84,308.98	\$91,074.48
Administrative Assistant I- CDA	Administration	\$16.81	\$21.67		
Certified Instructors	Parks and Recreation	\$15.00	\$21.29		
Chief Election Inspectors	Administration	\$12.00	\$12.17		
City Clerk	Administration			\$48,556.79	\$62,608.60
Clerk of Court (Part-time)	Administration	\$16.81	\$21.67		
Communications Coordinator	Police	\$20.37	\$27.96		
Community Service Officer	Police	\$10.75	\$11.13		
Comptroller	Finance and Administrative Services			\$55,596.99	\$71,687.50
Customer Service Specialist	Library	\$13.60	\$17.55		
Administrative Assistant I- Deputy Clerk	Administration	\$16.81	\$21.67		
Deputy Chief	Police				
Desk Staff	Parks and Recreation	\$10.00	\$15.96	\$88,004.80	\$96,799.99
Desk Staff Lead	Parks and Recreation	\$15.00	\$18.00		
Detective Lieutenant	Police	\$37.98			
Detective	Police	\$34.67			
Director of Public Works/City Engineer	Administration			\$77,345.90	\$99,073.27
Dispatcher / Records Communications Aide II	Police	\$17.63	\$21.51		
Dispatcher / Records Communications Aide I	Police	\$18.52	\$25.41		

Economic Development Director	Administration			\$52,924.89	\$80,763.27
Election Inspectors	Administration	\$10.00	\$10.14		
Engineering Technician	DPW	\$23.01	\$27.92		
Executive Assistant	Administration	\$16.81	\$22.28		
Foreman (Lead)	DPW	\$26.24	\$31.98		
Finance & Administrative Services Director	Finance and Administrative Services			\$77,345.90	\$99,073.27
Fire Inspector / Code Enforcement Officer	Neighborhood Services	\$13.60	\$17.55		
Fitness and Member Services Coordinator	Parks and Recreation			\$35,568.00	\$44,252.92
GIS Technician	Neighborhood Services	\$18.26	\$23.56		
Head Lifeguard	Parks and Recreation	\$12.00	\$15.96		
Human Resources Manager	Administration			\$51,048.00	\$70,031.91
Chief Information Officer	Finance and Administrative Services			\$59,115.92	\$76,224.68
Lab Assistant	Wastewater	\$10.20	\$12.37		
Laborer I	Streets/Parks/Forestry	\$23.01	\$27.92		
Laborer II	Streets/Parks/Forestry	\$18.37	\$23.24		
Lead Operator	Wastewater/Water	\$26.24	\$31.98		
Library Director	Library			\$62,634.59	\$80,763.27
Lieutenant	Police	\$37.98			
Laborer I - Mechanic	Streets/Parks/Forestry	\$23.01	\$27.92		
Neighborhood Services Director	Neighborhood Services			\$55,596.99	\$71,687.50
Neighborhood Services Officer	Neighborhood Services	\$10.75	\$11.13		
Outreach Services Specialist	Library	\$15.45	\$19.93		
Parks & Recreation Director	Parks and Recreation			\$62,634.59	\$80,763.27
Patrol Officer	Police	\$28.15	\$33.03		
Patrol Officer In Training	Police	\$21.11			
Program Attendants	Parks and Recreation	\$7.25	\$9.00		
Programming and Makerspace Librarian	Library	\$15.45	\$19.93		
Public Relations / Communications Manager	Finance and Administrative Services			\$45,036.56	\$58,071.40

Recreation & Community Events Programmer	Parks and Recreation			\$45,036.56	\$58,071.40
Rental Attendant ³	Parks and Recreation	\$25.00	\$25.00		
School Resource Officer (SRO)	Police	\$34.67			
Seasonal Laborer	Streets/Parks/Forestry	\$10.00	\$15.53		
Senior Coordinator (Part time)	Parks and Recreation	\$15.69	\$19.93		
Sports Officials ³	Parks and Recreation	\$20.00	\$25.00		
Streets, Parks & Forestry Superintendent	Streets/Parks/Forestry			\$62,634.59	\$80,763.27
Support Services Manager	Police			\$45,036.56	\$58,071.40
Technical Services Specialist	Library	\$15.45	\$19.93		
Tournament Manager	Parks and Recreation	\$13.60	\$17.55		
Vacant Grade				\$69,675.06	\$89,842.15
Vacant Grade				\$73,313.65	\$93,908.31
Vacant Grade				\$81,599.92	\$104,522.29
Wastewater Specialist II	Wastewater	\$18.37	\$23.24		
Wastewater Specialist I	Wastewater	\$23.01	\$27.92		
Wastewater Operator / Lab Technician	Wastewater	\$23.01	\$29.61		
Wastewater Plant Superintendent	Wastewater			\$62,634.59	\$80,763.27
Water Laborer II	Water	\$18.37	\$23.24		
Water Laborer I	Water	\$23.01	\$27.92		
Water Operator	Water	\$23.01	\$29.61		
Water Superintendent	Water			\$62,634.59	\$80,763.27
WIAA Sports Officials ³	Parks and Recreation	\$35.00	\$50.00		
Youth Educational Services Librarian	Library			\$37,997.67	\$48,993.96

¹ Annual Minimum and Maximum are estimated based on a full-time schedule of 2080 hours. These amounts do not reflect a guaranteed annual sum for hourly employees.

² Benefit eligible staff hired prior to 11/20/2017 will be guaranteed a minimum wage adjustment based upon the schedule published in the 2017 Salary Resolution. All wage adjustments are contingent upon an acceptable performance evaluation.

³ Paid per game/event

Resolution introduced by Councilmember Singer, who moved its adoption. Seconded by Councilmember Allen. AYES: McCormick, Palmer, Brown, Binnie, Schulgit, Allen, Singer, Majkrzak. NOES: None. ABSENT: None. ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

RESOLUTION DECLARING EMERGENCY, EXTENDING COVID CRISIS EMERGENCY DESIGNATION.

RESOLUTION EXTENDING CITY MANAGER'S 3-18-20 DECLARATION OF EMERGENCY UNTIL 3-31-21

WHEREAS, on 3-18-20 City Manager Cameron Clapper declared an emergency in the City of Whitewater due to the Covid-19 pandemic.

WHEREAS, on 6-15-20 the City Council to ratified said declaration.

WHEREAS, on 6-15-20 the City Council established an end date of 12-31-20 for said declaration unless the City Council acted to end or extend the declaration before that date.

Now, therefore, **BE IT RESOLVED** as follows:

- (1) The City Council of the City of Whitewater hereby extends the Declaration of Emergency concerning the Covid-19 pandemic issued by City Manager Cameron Clapper on 3-18-20.
- (2) This Declaration shall end on 3-31-21 unless the City Council ends it or extends it before that date.

Resolution introduced by Council Member Allen, who moved its adoption. Seconded by Council Member Brown. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ADOPTING 2020 BUDGET TRANSFER RESOLUTION. See Exhibit A Attached.

ORDINANCES AMENDING WATER CROSS CONNECTIONS. DPW Director Marquardt indicated that the Wisconsin Legislative Code Section NR 810.15 regulates cross connections within

a drinking water system and establishes time schedules for inspections. Residential properties require an inspection every ten years or on a schedule matching water meter replacement. The City has been replacing meters every ten years and has been doing inspections as meters are replaced. For industrial, commercial, and public authorities, inspections are to be done at a minimum of once every two years. Updates to the ordinances are being proposed so as to comply with the Code. The Public Works Committee reviewed the proposed ordinances and approved the changes at their 11/10/20 meeting.

ORDINANCE NO. 2010 - AN ORDINANCE AMENDING SUBSECTION 14.08.342
CROSS CONNECTIONS - DEFINITIONS

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

SECTION 1. Whitewater Municipal Code Chapter 14.08 Subsection 14.08.342 is hereby
amended to read as follows:

14.08.342 - Cross connections—Definitions.

- a. **Cross Connection.** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be cause for backflow or backsiphonage from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- b. **Backflow.** The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into a potable supply of water from any source.
- c. **Backflow Prevention.** A means designed to prevent backflow caused by backpressure or backsiphonage; most commonly categorized as an air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, backsiphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ballcock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.
- d. **Backpressure.** An elevation of pressure in the downstream piping system above the utility supply pressure, which would cause or tend a reversal of the normal direction of flow.
- e. **Backsiphonage.** The flow of water or other liquids, mixtures or substance into the utility's potable water system from any source caused by the sudden reduction of pressure in the utility's potable water supply system.

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

Seconded by Council Member McCormick.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None.

ABSENT: None.

ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. 2011 - AN ORDINANCE AMENDING SUBSECTION 14.08.343
CROSS CONNECTIONS - PROHIBITED

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

SECTION 1. Whitewater Municipal Code Chapter 14.08 Subsection 14.08.343 is hereby
amended to read as follows:

14.08.343 - Cross connections—Prohibited.

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No person shall remove or permit to be removed a cross-connection control device. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Whitewater Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811, Wisconsin Administrative Code.

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

Seconded by Council Member McCormick.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None.

ABSENT: None.

ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. 2012 - AN ORDINANCE AMENDING SUBSECTION 14.08.344
CROSS CONNECTIONS – INSPECTION FOR

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

SECTION 1. Whitewater Municipal Code Chapter 14.08 Subsection 14.08.344 is hereby
amended to read as follows:

14.08.344 - Cross connections—Inspection for.

It shall be the duty of the Whitewater Water Utility to cause inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Whitewater Water Utility and as approved by the Wisconsin Department of Natural Resources. Residential properties serviced by the utility shall be surveyed on a 10-year interval. All non-residential properties (industrial, commercial and public authority service) serviced by the utility shall be surveyed on a 2 year interval. Commercial properties of similar or lesser risk to residential properties, based upon the potential health hazards, may follow the same schedule as residential properties. Property owners of non-residential properties must, at their own expense, have their plumbing system inspected by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the Whitewater Water Utility to discontinue water service to the property, as provided under Section 14.08.346.

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

Seconded by Council Member McCormick.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None.

ABSENT: None.

ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. 2013 - AN ORDINANCE AMENDING SUBSECTION 14.08.345
CROSS CONNECTIONS – 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 14.08 Subsection 14.08.345 is hereby
amended to read as follows:

14.08.345 - Cross connections—Right of entry for inspection.

Upon presentation of credentials, representatives of the Whitewater Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross connections and backflow prevention. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

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

Seconded by Council Member McCormick.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None.

ABSENT: None.

ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE NO. 2014 - AN ORDINANCE AMENDING SUBSECTION 14.08.346
CROSS CONNECTIONS – SHUTOFF FOR VIOLATION

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

SECTION 1. Whitewater Municipal Code Chapter 14.08 Subsection 14.08.346 is hereby
amended to read as follows:

14.08.346 - Cross connections—Shutoff for violation.

The Whitewater Water Utility is authorized and directed to discontinue water service to any property wherein any connection in violation of Sections 14.08.342 through 14.08.347 exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of hearing such emergency discontinuance.

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

Seconded by Council Member McCormick.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer.

NOES: None.

ABSENT: None.

ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE AMENDING CHAPTER 8.37 REQUIRING FACE COVERINGS DURING COVID-19 PANDEMIC

**ORDINANCE NO. 2015A - AN ORDINANCE AMENDING CHAPTER 8.37 REQUIRING
FACE COVERINGS DURING
COVID-19 PANDEMIC**

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

SECTION 1. Whitewater Municipal Code Chapter 8.37 EFFECTIVE DATE is hereby amended to read as follows:

EFFECTIVE DATE. This ordinance shall take effect on August 1, 2020 and shall remain in effect until 11 :59 p.m. on March 31, 2021 unless extended or earlier terminated by the Common Council.

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

Seconded by Council Member Schulgit. Included in the Motion was the request to waive the requirement for a second reading of the Ordinance.

AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

ABSENT: None. ADOPTED: December 15, 2020.

Cameron L. Clapper, City Manager

Michele R. Smith, City Clerk

AMENDING SECTION 19.54 OF THE MUNICIPAL CODE, SIGN REGULATIONS.

Neighborhood Services Director Chris Munz-Pritchard presented an updated sign ordinance, which had previously been reviewed by Plan Commission. Changes made to the sign ordinance are based on a Supreme Court case (Reed vs. Gilbert) where rulings were made about how signage is regulated. It was determined that changes need to be made to regulations to make it content neutral. The Neighborhood Services Director indicated it has been difficult to work with the existing ordinance in conjunction with the Supreme Court ruling, and amendments are necessary. Vandewalle Associates assisted the City with the ordinance. Council President Binnie did note a change that was made, but made after Plan Commission action. The change was related to home occupation signage, and whether to allow yard signs for those with home occupation businesses. Off-site signage created some concerns, primarily as they relate to event signs that are occasionally posted. Also noted was the fact that campaign sign time limitation regulations will no longer be able to be enforced. The Plan Commission did recommend that the

square footage of campaign signs in residential areas be limited to only 12 total net square feet. (If two sided sign, only six square feet). Current regulations have a maximum of 32 square feet.

Neighborhood Services Director Munz-Pritchard encouraged the adoption of the ordinance as soon as possible, as there are five businesses awaiting the adoption of the ordinance in order to move forward with their sign installations. Pritchard believes that the new ordinance is business friendly. Councilmember Allen feared that the ordinance may be rushed. Councilmember Singer supported user education. Numerous concerns about the inability of non-profit organizations to advertise their events were brought forth. Pritchard responded that with the recent Supreme Court ruling, it was not within her power to change regulations. City Manager Clapper assured that there may be an opportunity for ways to work around this that have not been addressed yet. Clapper acknowledged that connecting with businesses is important, and indicated that task will be addressed. See Exhibit B attached for the initial sign ordinance. (Ordinance 2016) It was moved by Singer and seconded by Allen to approve the first reading of the proposed ordinance, with the understanding that there will be some outreach to the community regarding the changes. Ordinance introduced by Councilmember Singer. Seconded by Allen. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None. ABSENT: None. FIRST READING APPROVED: December 15, 2020.

BOARD AND COMMISSION APPOINTMENT POLICY. City Manager Clapper presented a proposal for updating the internal operating policy for board and commission appointments. Residency requirements will be clarified and committee representative appointments to multiple boards and commissions have been addressed. Also discussed was limiting the number of committees an individual can serve on. It was moved by Allen and seconded by Singer to approve the Board and Commission policy as presented. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

CONTINUATION OF COUNCIL AND OTHER CITY MEETINGS VIRTUALLY. With the continued high number of covid cases, it was moved by Allen and seconded by McCormick to continue holding Council and other city meetings virtually. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

TELEVISIONING EQUIPMENT FOR WASTEWATER TREATMENT PLANT. After review of three quotes, it was moved by Allen and seconded by Majkrzak to authorize the purchase of televising collection system cleaning equipment (jet machine and trailer mounted vacuum inductor) from R.N.O.W. of West Allis, Wisconsin in the sum of \$34,755. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

STRAND ASSOCIATES TECHNICAL SERVICES AGREEMENT FOR ENGINEERING SERVICES. The Public Works Committee reviewed comparative rates for certain surrounding communities who use engineering consultants. After review, it was moved by Singer and seconded by Schulgit to enter into an agreement with Strand Associates. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

STRAND ASSOCIATES TASK ORDER 20-04 FOR MS4 DOCUMENTATION. The City was issued a permit from the Department of Natural Resources in 2019 for their Municipal Separate Storm Sewer System ("MS4"). There is a requirement that the City must submit a compliance schedule with written descriptions on how the City is meeting all of the permit requirements. It was moved by Schulgit and seconded by Majkrzak to enter into an agreement with Strand Associates to update the current permit with information and procedures, at a cost not to exceed \$23,000. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

PURCHASE OF JETTER AND VACUUM TRUCK. The Wastewater Department is replacing their current collection system cleaning equipment, comprised of a truck mounted jet machine and a trailer mounted vacuum inductor. The equipment is being replaced with a single, combination jet/vacuum truck. Three quotes were received. The equipment was an approved CIP request for the 2021 budget. It was moved by Schulgit and seconded by Majkrzak to authorize the purchase of the jetter and vacuum truck from MacQueen Equipment – Vactor of Menomonee Falls, Wisconsin, at a cost of \$410,555. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

BOARD AND COMMISSION APPOINTMENTS. It was moved by Allen and seconded by Schulgit to appoint the following individuals to Boards and Commissions: Bill Chandler to the Urban Forestry Commission; Edith Beltran Minehan to the Equal Opportunities Commission; Greg Marien to the Board of Zoning Appeals; Maryann Zimmerman to the Disability Rights Commission and the Equal Opportunities Commission; Neil Hicks to the Plan and Architectural Review Commission as an alternate member; Ryan Valand to the BZA and Ethics Board; and Rhyatisima Blue to the Equal Opportunities Commission. AYES: McCormick, Majkrzak, Brown, Binnie, Schulgit, Allen, Singer. NOES: None.

REQUESTS FOR FUTURE AGENDA ITEMS / POLCO QUESTIONS. Councilmember Allen requested that the Council discuss term limits for Boards and Commissions.

ADJOURNMENT. It was moved by Allen and seconded by Singer to adjourn the meeting. Motion carried by unanimous voice vote. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Michele R. Smith, Clerk

2020
BUDGET AMENDMENT RESOLUTION NO 1

WHEREAS, the Common Council of the City of Whitewater adopted a Budget Resolution for 2020 on November 19, 2019, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, the City Council took action on May 5, 2020 and June 16, 2020 to call and retire select 2010 bonds which had not been contemplated in the original 2020 budget, the associated revenue and expenditure budget entries need to be amended in the 2020 Budget;

AND WHEREAS, a budget provision for wage treatment in 2020 was included as a lump sum in the Contingency line item, the associated budgeted expenditure entries for affected cost centers need to be amended in the 2020 Budget to reflect an accurate reference for staff costs;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

Account	Description	Original Budget Value	Amended Budget Value	Change	Comment
300-49120-00	BOND PROCEEDS	\$ 560,000	\$ 987,307	\$ 427,307	To reflect refinanced General Fund portion of 2010 BAB call
300-49240-00	TIF TRANSFER-DEBT SERVICE	\$ 1,112,925	\$ 2,167,925	\$ 1,055,000	To reflect TID4 and TID 6 portions of 2010 BAB call
300-58000-671	2010 GO BAB-2.110M-870K GF-P&I	\$ (95,185)	\$ (505,185)	\$ (410,000)	To reflect call of General Fund portion 2010 BAB call
300-58000-672	2010 GO BAB-2.110M-290K TID 6	\$ (25,208)	\$ (130,208)	\$ (105,000)	To reflect TID6 portion of 2010 BAB call
300-58000-673	2010 GO BAB-2.110M-950K TID #4	\$ (42,390)	\$ (992,390)	\$ (950,000)	To reflect TID4 portion of 2010 BAB call
300-58000-900	BOND ISSUE EXPENSES	\$ -	\$ (20,088)	\$ (20,088)	To reflect unbudgeted Bond Issue Expenses
440-41320-57	PILOT/DEVELOPER'S AGREEMENTS	\$ 32,171	\$ 13,420	\$ (18,751)	Kwik Trip Pilot budgeted for but not due/agreement completed in 2019
440-57663-610	PRINCIPAL ON DEBT	\$ (900,000)	\$ (1,850,000)	\$ (950,000)	To reflect TID4 portion of 2010 BAB call
440-57663-525	RESCINDED TAXES	\$ -	\$ (35,129)	\$ (35,129)	To reflect SDBL assessment error/Because property is in TID we are unable to split between other districts.
446-57663-610	PRINCIPAL ON DEBT	\$ (20,000)	\$ (125,000)	\$ (105,000)	To reflect TID6 portion of 2010 BAB call
		\$ 622,314	\$ (489,347)	\$ (1,111,661)	Balance to come from Fund Balance

Account	Description	Original Budget Value	Amended Budget Value	Change
100-51110-910	COST REALLOCATIONS	\$ 220,591	\$ 180,540	\$ (40,051)
100-51100-111	LEGISLATIVE	\$ 19,327	\$ 19,532	\$ 205
100-51200-111	COURT	\$ 49,956	\$ 50,455	\$ 499
100-51400-111	GENERAL ADMINISTRATION	\$ 187,711	\$ 191,082	\$ 3,371
100-51450-111	INFORMATION TECHNOLOGY	\$ 54,790	\$ 56,114	\$ 1,324
100-51500-111	FINANCIAL ADMINISTRATION	\$ 107,181	\$ 109,764	\$ 2,583
100-52100-111	POLICE ADMINISTRATION	\$ 409,692	\$ 420,698	\$ 11,006
100-52400-111	NEIGHBORHOOD SERVICES	\$ 119,652	\$ 120,821	\$ 1,169
100-52600-111	COMMUNICATIONS/DISPATCH	\$ 278,733	\$ 283,270	\$ 4,537
100-53100-111	DPW/ENGINEERING DEPARTMENT	\$ 18,182	\$ 18,622	\$ 440
100-53230-111	SHOP/FLEET OPERATIONS	\$ 61,058	\$ 61,934	\$ 876
100-53270-111	PARK MAINTENANCE	\$ 115,872	\$ 118,528	\$ 2,656
100-53300-111	STREET MAINTENANCE	\$ 244,233	\$ 247,735	\$ 3,502
100-53320-111	SNOW AND ICE	\$ 39,299	\$ 39,862	\$ 563
100-53420-111	STREET LIGHTS	\$ 4,367	\$ 4,430	\$ 63
100-51600-111	FACILITIES MAINTENANCE	\$ 94,537	\$ 96,882	\$ 2,345
100-55111-111	YOUNG LIBRARY BUILDING	\$ 20,310	\$ 20,823	\$ 513
100-55200-111	PARKS ADMINISTRATION	\$ 30,745	\$ 31,355	\$ 610
100-55210-111	RECREATION ADMINISTRATION	\$ 128,145	\$ 131,213	\$ 3,068
100-55310-114	SENIOR CITIZEN'S PROGRAM	\$ 35,230	\$ 35,951	\$ 721
		\$ 2,239,610	\$ 2,239,610	\$ -

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

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

AYES: _____ NOES: _____ ABSENT: _____

ADOPTED:	_____	City Manager
	_____	City Clerk

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19.54 SIGN REGULATIONS

19.54.010: PURPOSE

- (1) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Whitewater. The adoption of this Chapter reflects the formal finding of fact by the City of Whitewater Plan Commission and City Council that regulation of signage advances the following compelling governmental interests:
 - (a) Reduce signage that the City has determined to be a cause of unsafe traffic and visibility conditions for pedestrians, bicyclists, drivers, and passengers.
 - (b) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the City.
 - (c) Protect pedestrians, bicyclists, drivers, and passengers from injury caused by distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.
 - (d) Promote the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the City of Whitewater in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.
 - (e) Preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
 - (f) Assure that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected by exercising reasonable controls over character and design of signage.
 - (g) Advance the aesthetic goals of the City throughout the community and ensure the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.
- (2) Furthermore, this Chapter leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display – and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage and signage intended to be viewed from beyond the boundaries of a site.
- (3) The penalties of the City of Whitewater Municipal Code may be applicable to violations of the provisions of this Chapter. Signs that fail to comply with the requirements in this Chapter are subject to the penalties found in Section 19.75.080.
- (4) Any sign authorized by this Chapter may contain a noncommercial message.

19.54.020: DEFINITION OF A SIGN

- (1) Definition of a sign. In this Chapter, the word “sign” means any object, device, display, structure, or part thereof, situated or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images.
- (2) Signs do not include:
 - (a) Traffic control and other government messages located within a right-of-way.

- (b) Decorations that are incidentally and customarily associated with any national holiday or religious holiday, or with any community festival or similar event.
 - (c) Flags which do not contain a commercial message, commercial logo, or commercial colors.
 - (d) Art works, which can be found in Chapter 12.46 Public Artwork. including but not limited to wall murals, which do not contain a commercial message, logo, or colors; and/or which contain pictorial representations referring to businesses, merchandise, products, or services of an exclusively historic nature of 50 years or older (meaning no longer offered as an active commercial enterprise).
 - (e) Building colors and lighting which do not contain a commercial message, commercial logo, or commercial colors.
 - (f) Interior site signs located on the interior of the grounds of the following land uses: Outdoor Open Space, Passive Outdoor Recreational, or Active Outdoor Public Recreational facility, which are primarily oriented to persons within the grounds.
 - (g) Interior building signs located on the interior of a building and not attached to or located within 3 feet of the inside of a window, which are primarily oriented to persons within the building.
 - (h) Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.
 - (i) Vehicles that are licensed, operable, and parked in legal parking spaces.
 - (j) Individual signs less than 1 square foot in area are not regulated by this ordinance. Individual signs shall not be combined in a “mosaic” arrangement to create a resulting larger sign.
- (3) **Other Definitions.**
- (a) **Advertising.** Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, goods, services, idea, or statement.
 - (b) **Building frontage.** The width of the building façade that fronts a public street, highway, or interstate.
 - (c) **Business/tenant frontage.** The portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without frontage, the building elevation providing customer access shall be considered the business frontage.
 - (d) **Commercial message.** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, idea, or commercial activity.
 - (e) **Copy.** Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
 - (f) **Changeable copy.** Sign copy that may be changed manually to provide different information such as boards with changeable letters, bulletin boards, and chalkboards.
 - (g) **Customer entrance.** The entrance that the public can use when an establishment is open to the public.
 - (h) **Electronic message sign:** See Section 19.54.040.
 - (i) **Elevation, building.** The view of any building or other structure from any 1 of 4 sides regardless of the configuration or orientation of a building. No building shall be treated as having more than 4 building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.

- (j) **External illumination.** The lighting of an object from a light source located a distance from the object.
- (k) **Façade.** Any side of a building facing a public way. See “Building frontage.”
- (l) **For lease.** The period of time in which a property is being offered for lease through a licensed real estate agent or is being offered for lease by the owner.
- (m) **For rent.** The period of time in which a property is being offered for rent through a licensed real estate agent or is being offered for lease by the owner.
- (n) **For sale.** The period of time in which a property is being offered for sale through a licensed real estate agent or is being offered for sale by the owner.
- (o) **Group Development Sign.** Means a sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more nonresidential tenants in spaces with separate outside customer doors, and shall limit information to the name of the development and/or its occupants. Group signs serving two or more occupants not located on the same lot, but within the same multi-building development, shall be located on one of the lots being served by the sign.
- (p) **Height of sign.** The vertical distance from the average ground level at the base of the sign to the top of the highest attached component of the sign. See Section 19.54.120(2) for the measurement of sign height.
- (q) **Maintain.** Maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Marquee Sign; or changing the face of an Off-Premise Advertising Sign (billboard).
- (r) **Lighting, ambient.** Illumination in which the only light that falls onto the sign comes from sources that are available naturally (e.g. sunlight, moonlight) or from artificial lighting sources used for other purposes in the vicinity of the sign (e.g. street lights, lighting installed for other purposes or sites).
- (s) **Lighting, backlit.** Illumination that is arranged in such a way that the light is cast from behind the sign to the eyes of the viewer. Often, the lighting element is unshielded but concealed behind individual freestanding letters, creating a silhouette effect.
- (t) **Lighting, gooseneck.** Illumination resulting from light emitted directly from a shielded light fixture located at the top of the sign and angled downward onto the sign face. The light fixture is attached to a curved neck which is often flexible, allowing the user to position the light source onto the sign face.
- (u) **Lighting, internal.** Illumination emanating from a lighting element that is located behind the sign face and which is completely enclosed.
 - 1. Internally illuminated signs shall have a light-colored copy on a dark-colored or opaque background, so that the copy is legible during the day and night. When illuminated, the sign shall appear to have an illuminated copy with a dark or non-illuminated background.
 - a. The requirements of Subsection (u)1., above, shall not apply to internally illuminated individual characters, letters, or shapes that do not contain copy on the sign face.
 - 2. Neon lighting is not considered to be internal lighting.
- (v) **Lighting, neon.** Glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Neon lighting is not considered internal lighting as defined in Subsection (u) above.
- (w) **Open house.** An on-premise event used to advertise the lease, rent, or sale of a property.

- (x) **Plat phase.** The collection of lots, rights-of-ways, and outlots located within the perimeter boundary of a Final Plat.
- (y) **Sign area.** The entire face of a sign, including the extreme limits of writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 19.54.120(4).
- (z) **Sign face.** The area or display surface used for the message.
- (aa) **Site.** A site shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter. A site may also be determined to be a portion of a single lot where more than one building in a Group Development (approved by the City) contains separate businesses. For the purposes of this Chapter, the site shall be determined by the Zoning Administrator.
- (bb) **Temporary sign.** A sign or advertising intended to be displayed for a certain limited period of time. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to Section 19.54.090 and 19.54.110 for rules related to temporary signs.
- (cc) **Three-dimensional signs.** Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Section 19.54.120(4)(g).
- (dd) **Window pane.** The area defined by any combination of the window frame and mullions located within said frame.

19.54.030: DEFINITIONS AND RULES RELATED TO SIGN GROUPS, SIGN CATEGORIES, & SIGN TYPES

This Section provides the definitions and rules related to various Sign Groups, Sign Categories, and Sign Types. The following provide the regulations for these signs applicable to each zoning district.

- (a) The rules for Permanent Business Signs are located in 19.54.080.
- (b) The rules for Temporary Business Signs are located in 19.54.090.
- (c) The rules for Permanent Miscellaneous Signs are located in 19.54.100.
- (d) The rules for Temporary Miscellaneous Signs are located in 19.54.110.
- (e) Signage for all uses in the Planned Development zoning district shall be permitted per the base zoning district and may be granted flexibility through the Planned Development process.

Any Sign Type not addressed by this Chapter shall be prohibited.

Definitions and rules related to the Permanent Business Signs Group:

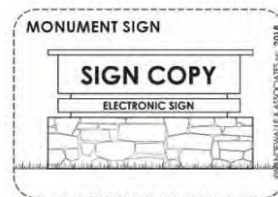
- (1) **Permanent Business Sign.** A permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located.

“Permanent Business Signs” is a Sign Group containing various Sign Categories and Sign Types that a business is eligible to use. Permanent Business Signs include the following Sign Categories: Freestanding Signs, On-Building Signs, Pedestrian Signs, and Daily Notice Signs. Sign must be designed of durable all-weather material complementary to and harmonious with the building and site, and must be closely integrated with site landscaping. See 19.54.080 for additional rules for Permanent Business Signs related to zoning districts.

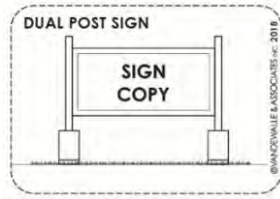
- (a) **Freestanding Sign Category.** A sign permanently resting on or supported by a slab, pedestal, post, pylon, or any other form of base located on the ground.

The following Freestanding Sign Types are addressed by this Chapter:

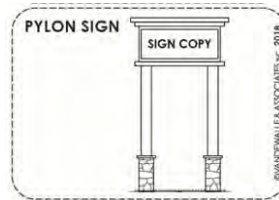
1. **Monument Sign.** A type of Freestanding Sign in which the bottom edge of the sign face is located within one foot of a ground-mounted pedestal.
 - a. Monument signs shall not interfere with vehicle visibility or circulation. The footing and related supporting structure of a monument sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or using landscaping.
 - b. Over 50 square feet requires a Conditional Use Permit (CUP) in permitted districts.
 - c. Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 19.54.040.
 - d. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
 - e. Group Development Signs may be up to 50% larger in area and 2 feet taller in height. See Section 19.54.060.
 - f. Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.
 - g. Any internal illuminated sign must have opaque cabinet fields and a translucent message.
 - h. Sign must be located on-site and must not be located within any street right-of-way



2. **Dual Post Sign.** A type of Freestanding Sign mounted to the sides or ends of two or more posts, with the majority of the sign area located between the outermost posts, with the bottom edge located within an average of 3 feet of existing grade.
 - a. Over 50 square feet requires a Conditional Use Permit (CUP) in permitted districts.
 - b. Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 19.54.040.
 - c. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
 - d. Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.
 - e. Any internal illuminated sign must have opaque cabinet fields and a translucent message.
 - f. Sign must be located on-site and must not be located within any street right-of-way



3. **Pylon Sign.** A type of Freestanding Sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign.
 - a. Pylon signs may only be approved through the Conditional Use Permit (CUP) process in permitted districts.
 - b. Electronic Message Signs (of up to 50% of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 19.54.040.
 - c. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
 - d. Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.
 - e. Any internal illuminated sign must have opaque cabinet fields and a translucent message.
 - f. Sign must be located on-site and must not be located within any street right-of-way



- (b) **On-Building Sign Category.** A type of sign permanently affixed to an outside wall of a building.

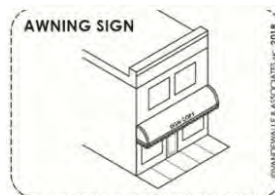
The following On-Building Sign Types are addressed by this Chapter:

1. **Wall Sign.** A type of On-Building Sign that is mounted directly on, and parallel to, a building façade or other vertical building surface. A Wall Sign also includes a sign located on the interior of a building that is intended to be viewed primarily from beyond the boundaries of the site.
 - a. Every business shall be guaranteed a minimum of 30 square feet of Wall Sign area, regardless of the business’s actual building façade length.
 - b. More than one wall sign shall require a Conditional Use Permit (CUP).
 - i. If more than one wall sign is permitted, the total square footage must not exceed the max square footage allowed.
 - ii. The total combined sign area of all signs on the any given wall shall still be limited by its length ratio of said wall.
 - c. The top edge of a Wall Sign shall not extend above the top edge of the vertical exterior wall or above the lowest edge of a roof line of the portion of the building to which it is mounted.
 - d. Wall Signs shall be mounted parallel to, and within 1 foot of a building facade or other vertical building surface.

- e. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level surface and a maximum of 3 feet from the building
- f. Any internal illuminated sign must have opaque cabinet fields and a translucent message.

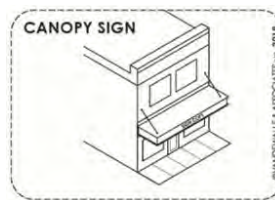


2. **Awning Sign.** A type of On-Building Sign that is directly affixed to the surface area of the awning via sewing, silk screening, painting, or similar method. An awning can be retracted, folded or collapsed against the face of a supporting structure.
 - a. Every business shall be guaranteed a minimum of 30 square feet of Wall Sign area, regardless of the business's actual building façade length.
 - b. Awning sign shall be horizontally and vertically centered on the face(s) of the awning.
 - c. Awning sign shall not project above, below, or beyond, the awning surface.
 - d. Awning sign shall not exceed 50 percent of the area of an angled face of the awning.
 - e. Awning sign shall not be more than 12 inches tall on a vertical face of the awning.
 - f. The entire awning façade (including the vertical and angled faces combined) shall be considered a sign for purposes of area measurement. See 19.54.080
 - g. A sign may be hung beneath an awning parallel to the building frontage so long as it and its structural components are no less than 8 feet above the ground immediately beneath the sign.
 - h. The awnings shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than eight feet above the level of the sidewalk or public thoroughfare.
 - i. More than one wall sign shall require a Conditional Use Permit (CUP).
 - i. If more than one wall sign is permitted, the total square footage must not exceed the max square footage allowed.
 - ii. The total combined sign area of all signs on the any given wall shall still be limited by its length ratio of said wall.
 - j. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level surface and a maximum of 3 feet from the building



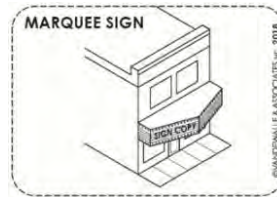
3. **Canopy Sign.** A type of On-Building Sign that is directly affixed via bolts, brackets, or similar method to a rigid permanent canopy which is mounted to, or adjacent to, the façade of a building. A Canopy is not retractable.

- a. Canopy sign shall be horizontally and vertically centered on the face(s) of the canopy.
- b. Canopy sign shall not project above or below the canopy face.
- c. Awning sign shall not exceed 50 percent of the area of an angled face of the awning.
- d. A sign may be hung beneath a canopy parallel to the building frontage so long as it and its structural components are no less than eight feet above the ground immediately beneath the sign.
- e. The canopy shall be constructed and erected so that the lowest portion of the projecting frame thereof shall be not less than eight feet above the level of the sidewalk or public thoroughfare.
- f. More than one wall sign shall require a Conditional Use Permit (CUP).
 - i. If more than one wall sign is permitted, the total square footage must not exceed the max square footage allowed.
 - ii. The total combined sign area of all signs on the any given wall shall still be limited by its length ratio of said wall.
- g. Every business shall be guaranteed a minimum of 30 square feet of Wall Sign area on building, regardless of the business's actual building façade length.
- h. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level- surface and a maximum of 3 feet from the building
- i. Any internal illuminated sign must have opaque cabinet fields and a translucent message.



4. **Marquee Sign.** A type of On-Building Sign that is mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance and/or entrance approaches to a building.
 - a. Sign copy shall be horizontally and vertically centered on the face(s) of the marquee.
 - b. Marquee Signs must be finished and enclosed on both the top and bottom of the sign between the back of the sign face and the building façade.
 - c. Letters displayed on a Marquee Sign must be a minimum of 10 inches tall.
 - d. Marquee Signs may only be approved through the Conditional Use Permit process.
 - e. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level- surface; and a maximum 3 feet from the building.
 - f. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
 - g. More than one wall sign shall require a Conditional Use Permit (CUP).
 - i. If more than one wall sign is permitted, the total square footage must not exceed the max square footage allowed.

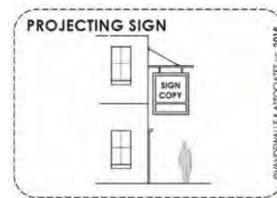
- ii. The total combined sign area of all signs on the any given wall shall still be limited by its length ratio of said wall.
- h. Every business shall be guaranteed a minimum of 30 square feet of Wall Sign area, regardless of the business's actual building façade length.
- i. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area). Off-premise Freestanding Signs are prohibited.



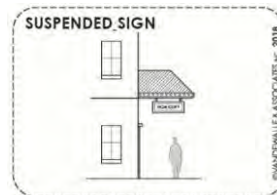
- (c) **Pedestrian Category.** A sign attached perpendicularly to the façade of a building and mounted just above sidewalk level, and which is oriented and sized for visibility to nearby pedestrians rather than to motorists. Pedestrian signs are only permitted in the B-2 zoning district or if specifically authorized within a specific implementation plan for a PD planned development district.

The following Pedestrian Sign Types are addressed by this Chapter:

- 1. **Projecting Sign.** A type of Pedestrian Sign that is mounted perpendicular to the wall on which it is mounted, extends less than 3 feet from the wall, and is oriented to pedestrian traffic.
 - a. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level- surface; and a maximum 3 feet from the building.



- 2. **Suspended Sign.** A type of Pedestrian Sign that is mounted perpendicular to the nearest wall and suspended from the underside of a horizontal plane surface, such as a covered porch, arcade, or canopy.
 - a. Bottom of sign shall be a minimum of 14 feet above a drive, alley, street, parking space or other vehicle surface; a minimum of 8 feet above a sidewalk, patio, or other ground-level- surface; and a maximum 3 feet from the building.

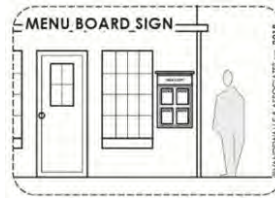


- (d) **Daily Notice Sign Category.** A sign typically used to advertise daily specials, daily menu items, or on-site events that change on a daily basis and which usually includes changeable copy. This

type of sign is often associated with restaurants, taverns, retail stores, music venues, and retail stores.

The following Daily Notice Sign Types are addressed by this Chapter:

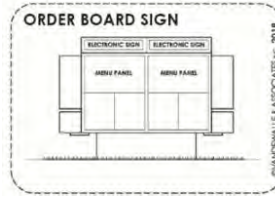
1. **Menu Board Sign.** A type of Daily Notice Sign mounted flat against a wall containing changeable copy.
 - a. Menu Board Signs shall be securely affixed to the exterior wall of the building containing the use.
 - b. Menu Board Signs shall not extend more than 4 inches from the wall on which they are mounted.



2. **Bulletin Board Sign.** A type of freestanding Daily Notice Sign located on-site containing changeable copy.
 - a. Bulletin Board signs shall only be permitted for public, charitable or religious institutions.
 - b. Sign must be located on-site.
 - c. Signs shall only be located on a public sidewalk or private walk way that is a minimum 6 feet wide and shall only be displayed during the hours of operation for the on-site land use.



3. **Order Board Sign.** A type of Daily Notice Sign used only in conjunction with drive-through or drive-in establishments.
 - a. Order Board Signs shall be freestanding or mounted on the exterior wall of the building containing the use.
 - b. Freestanding two-way microphone/speaker devices shall not count toward the maximum permitted area of the Order Board Sign.
 - c. Order Board Sign audio components shall meet the noise standards set forth in Section 19.58 of the Zoning Ordinance.
 - d. Order Board Sign lighting components shall meet the exterior lighting standards set forth in Section 19.57.150 of the Zoning Ordinance. "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.



Definitions and rules related to the Temporary Business Signs Group:

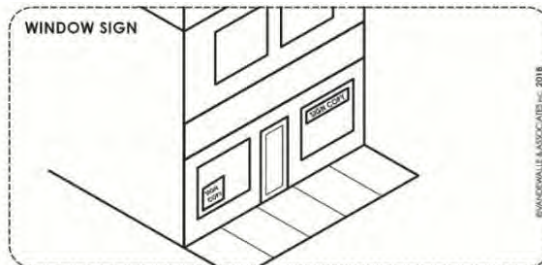
- (2) **Temporary Business Sign.** A temporary sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located. Temporary Business Signs do not require a Sign Permit and are typically used to promote temporary activities.

“Temporary Business Signs” is a Sign Group containing various Sign Categories and Sign Types that a business is eligible to use. Temporary Business Signs includes the following Sign Categories: Window Signs, Temporary Board & Banner Signs, Temporary Flag or Feather Signs, and Temporary Approved Development Signs. See 19.54.090 for additional rules for Temporary Business Signs related to zoning districts.

- (a) **Window Sign Category.** A sign located within a building that is attached to the inside face of an exterior window.

The following Window Sign Types are addressed by this Chapter:

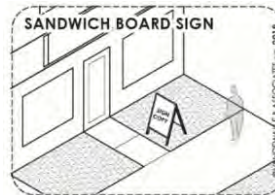
1. **Window Sign.** A type of sign that is either painted onto a window, attached to the inside face of an exterior window, or located inside a building within 3 feet of a window and intended to be viewed from the exterior of the building. Window Signs may face toward the outside, the inside, or both.
 1. A “Window” is the total area within a window frame, which may be divided by muntins or mullions. Glass areas divided by walls, piers or columns are considered separate windows.
 2. Window sign area cannot exceed 50% of each individual window glass area on or in which the window signs are located.



- (b) **Sandwich Board Sign.** A type of Daily Notice Sign placed on the ground and constructed in such a manner as to form an “A”-like shape, hinged or not hinged at the top, with each angular face held together at an appropriate distance by a supporting element such as a folding bar, latch, or chain.

1. There shall be adequate space available on the premises to place the sign on private property in a manner that is visible to the public.
2. The sign is placed directly in front of the business to which it is related.
3. A minimum of four feet in width of unobstructed travel way remains available in all directions on the sidewalk at all times.

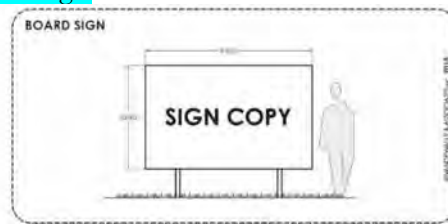
4. A maximum of one sandwich board sign is permitted per business and does not require a sign permit.
5. Sign is only permitted during business hours.
6. Sign must be located on-site. Off-premise Freestanding Signs are prohibited.
7. Signs shall only be located on a public sidewalk or private walk way that is a minimum 6 feet wide and shall only be displayed during the hours of operation for the on-site land use.



- (b) **Temporary Board & Banner Sign Category.** A sign located outside of a building for up to two limited periods of display in a calendar year. Such signs are often used for the purpose of informing the public of a sale or special offer.

The following Temporary Board & Banner Sign Types are addressed by this Chapter:

1. **Board Sign.** A type of Temporary Board & Banner Sign that is temporarily placed on the ground and is made of rigid material such as plywood or corrugated plastic.
 - a. Board Signs are permitted during the sale or lease of the subject property or on-site building. Signs are permitted to be displayed between the listing of the subject property or on-site building for sale or for lease and shall be removed within 10 days after undergoing a rental or lease agreement or sale.
 - b. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - c. Limit one sign per street frontage.

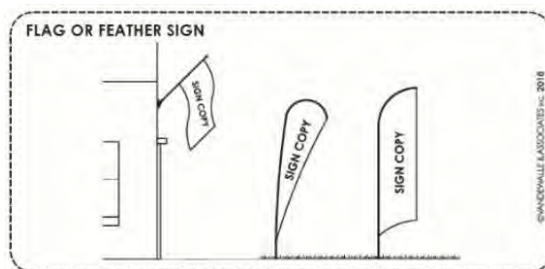


2. **Banner Sign.** A type of Temporary Board & Banner Sign that is made of flexible material such as cloth or vinyl and is supported along one or more sides or at two or more corners by wires, ropes, string, nails, or other removable fastening materials.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. Display limit of 30 consecutive days, 4 times per calendar year.



- (c) **Temporary Flag & Feather Sign Category.** A sign located outside of a building with no display time limit. Such signs are often used for the purpose of informing the public of a sale or special offer.

1. **Flag Sign.** A type of Temporary Flag & Feather Sign that is located outside of a building. It's made of vinyl, fabric, or other similar lightweight all-weather flexible material which is mounted on a pole. The pole can either be driven into the ground or attached to a building. If the pole is driven into the ground, it must be rigid and permanent. If the pole is attached to the building, it must also be rigid.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. One flag sign per property. Flag signs are only permitted during business hours.
 - c. The following flags do not count toward the limit: National flags, flags of political subdivisions, and symbolic flags of any institution or badge or insignia of the United States, State of Wisconsin, Jefferson County, Walworth County, City of Whitewater, foreign countries or official historic plaques.
2. **Feather Sign.** A type of Temporary Flag & Feather Sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground. The pole may be rigid or flexible but is not permanent.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. One feather sign per property/tenant. Feather signs are only permitted during business hours.



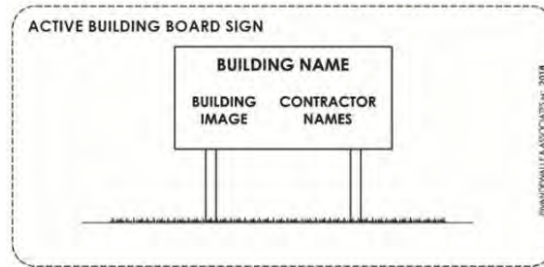
- (d) **Temporary Approved Development Sign Category.** A sign which is limited to display only during the active development of a building or plat. Mesh screens (construction site fencing as defined in section 66.1102(5), Wis. Stats.) containing images and/or text are permitted only during this time period, but are not considered signs.

The following Temporary Approved Development Sign Types are addressed by this Chapter:

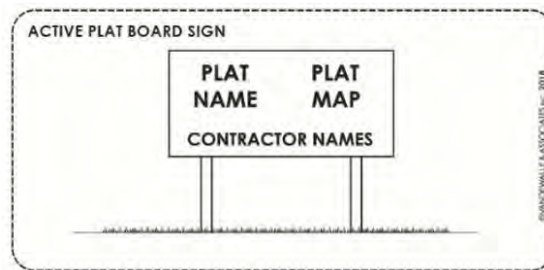
1. **Active Building Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only

on the site of a building under construction, and only during the time period in which the Building Permit is valid.

- a. Period of active building development is between the issuance of the building permit and the issuance of the first occupancy permit for the building.



2. **Active Plat Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a subdivision plat under construction, and only during the time period when less than 75 percent of the lots in the plat phase have been sold.
 - a. Period of active plat development is between the recording of the final plat to the issuance of building permits for 75% of the lots; as applied to each development phase in the final plat.



Definitions and rules related to the Permanent Miscellaneous Signs Group:

- (2) **Permanent Miscellaneous Sign.** A permanent sign that is available to all sites in the City regardless of land use (with the exception of Institutional Information Signs, which is only permitted for Institutional land uses).

“Permanent Miscellaneous Signs” is a Sign Group containing various Sign Categories and Sign Types that a site or business is eligible to use. Permanent Miscellaneous Signs includes the following Sign Categories: City-Required Signs and Optional Miscellaneous Signs. See 19.54.100 for additional rules for Permanent Miscellaneous Signs related to zoning districts.

The following Sign Types are addressed by this Chapter and do not require a permit:

1. **Address Sign.** A type of City-Required Sign that contains address numerals. See 12.44.010 of the City of Whitewater Municipal Code: Housing Numbering.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. Additional Address and Building Management Identification Signs are allowed on each public right-of-way facing side of a property (corner lots).



2. **Building Management Identification Sign.** A type of Sign indicating the name and/or address of the property owner, tenant, and/or manager of the property.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. On-building signs must be located within 10 feet of building's main entrance.
 - c. Additional Address and Building Management Identification Signs are allowed on each public right-of-way facing side of a property (corner lots).
 - d. Home occupation that requires a conditional use permit may have one identification sign not to exceed three square feet in area. Said identification sign may include one or more of the following: name, address, and/or home occupation title.



3. **On-Site Warning Sign.** A type of Sign that indicates a warning from the property owner related to conditions on-site and/or that cites a City, State, or Federal law, order, rule, or regulation. Such signs shall contain no commercial message. Examples include signs listing parking hours or "No Trespassing," "No Loitering," or "Customer Parking Only" signs.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).



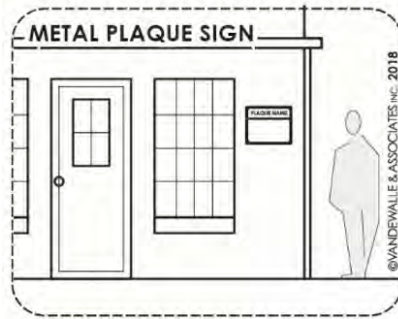
4. **On-Site Directional Sign.** A type of Sign that includes a directional arrow or symbol that directs people to a specific destination within a development or site. On-Site Directional Signs may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. May also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.



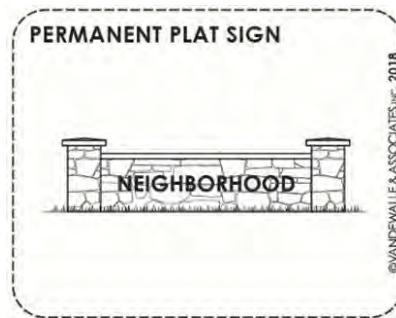
- (a) **Optional Miscellaneous Sign Category.** A Sign Category that conveys information which the City of Whitewater finds essential to encourage placemaking, particularly related to officially-recognized historic places, officially-designated neighborhoods, and conveying information for the general public.

The following Optional Miscellaneous Sign Types are addressed by this Chapter:

1. **Metal or Ceramic Plaque Sign.** A type of Optional Miscellaneous Sign available to officially-recognized historic properties, sites, or districts, typically denoting the name of the building onto which it is mounted, its date of erection, and/or historical information.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
 - c. On-building signs must be located within 10 feet of building’s main entrance.

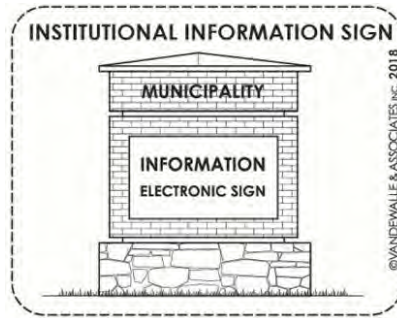


2. **Permanent Plat Sign.** A type of Optional Miscellaneous Sign typically indicating the name of a neighborhood, neighborhood association, or subdivision recognized by the City of Whitewater.
 - a. Permanent Plat Signs shall be located within a platted outlot or within a permanent sign easement.
 - b. Permanent Plat Signs shall be configured as Monument Signs, Dual Post Sign.
 - c. Permanent Plat Signs shall be located within a platted outlot or within a permanent sign easement.
 - d. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - e. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.



3. **Institutional Information Sign.** A type of Optional Miscellaneous Sign typically providing information to the community regarding scheduled public events, public activities, and public facilities.
 - a. Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. Institutional Information Signs shall require a Conditional Use Permit.
 - c. Institutional Information Signs shall be configured as Monument Signs or Dual Post Sign.
 - d. Institutional Information Signs may have changeable copy or be configured as an Electronic Message Sign meeting the requirements of Section 19.54.040.
 - e. Institutional Information Signs are only allowed for Institutional land uses as determined by the Zoning Administrator.
 - f. “Standard” means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.

- g. Additional Address and Building Management Identification Signs are allowed on each public right-of-way facing side of a property (corner lots).



Definitions and rules related to the Temporary Miscellaneous Signs Group:

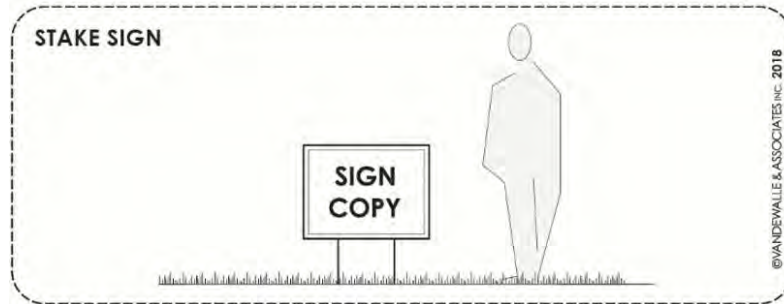
- (4) **Temporary Miscellaneous Sign:** A temporary sign that does not contain a commercial message, excluding for rent or for sale of the property.

“Temporary Miscellaneous Signs” is a Sign Group containing one Sign Category, Yard Signs, which is available to all land uses. See 19.54.110.

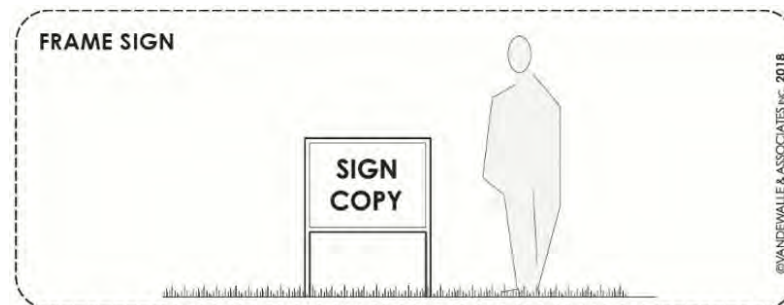
- (a) **Yard Sign Category.** A Sign Category that is intended to accommodate a wide variety of sign purposes (e.g. garage sale signs, for sale signs, political signs, “slow down for kids” signs, etc.), often needed on a temporary basis. Such signs are freestanding and mounted on 1 or 2 stakes or posts and do not have footings. No more than two signs per yard. All Yard Signs must be placed on-site.

The following Yard Sign Types are addressed by this Chapter:

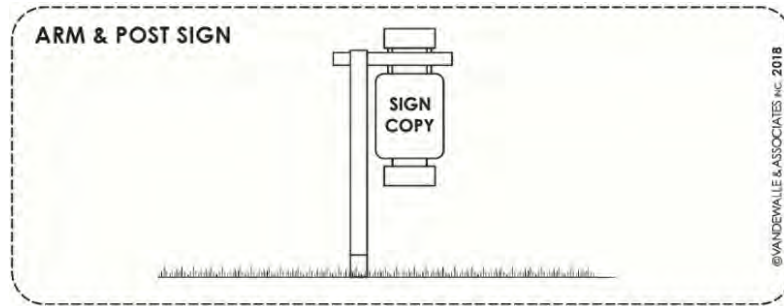
1. **Stake Sign.** A type of Yard Sign that consists of a sign face erected upon one or more metal wires or wood, metal, or plastic stakes of no more than 3 inches in width.
 - a. Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. One additional Yard Sign per street frontage is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.
 - c. Any number of Yard Signs is permitted within a period of 90 days prior to, and 10 days following, any local, state, or federal election hosted by the City per 12.04 of state statute, with a maximum net square footage area of 12 square feet per sign and maximum height of 6 feet per sign.



2. **Frame Sign.** A type of Yard Sign that consists of a frame into which a sign face can be inserted and erected upon 2 wood, metal, or plastic stakes or ground spikes.
 - a. Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. One additional Yard Sign per street frontage is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.
 - c. Any number of Yard Signs is permitted within a period of 90 days prior to, and 10 days following, any local, state, or federal election hosted by the City per 12.04 of state statute, with a maximum net square footage area of 12 square feet per sign and maximum height of 6 feet per sign.



3. **Arm & Post Sign.** A type of Yard Sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between 2 posts.
 - a. Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle (19.51.010).
 - b. One additional Yard Sign per street frontage is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.
 - c. The area maximum for Arm & Post signs includes the sign face, as well as any additional placards that are attached to the sign.
 - d. Any number of Yard Signs is permitted within a period of 90 days prior to, and 10 days following, any local, state, or federal election hosted by the City per 12.04 of state statute, with a maximum net square footage area of 12 square feet per sign and maximum height of 6 feet per sign.



19.54.040: ELECTRONIC MESSAGE SIGNS

Electronic Message Sign. A type of sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

- (a) Electronic Message Signs shall require a Conditional Use Permit.
- (b) Electronic Message Signs shall be permitted only with a nonresidential land use.
 1. No more than 1 Electronic Message Sign shall be permitted per site.
- (c) In addition to the setback requirements of this Chapter, the Planning Commission shall consider visibility from any residential zoning district.
- (d) Electronic Message Signs may be integrated into the design of the following Sign Types: Monument Signs, Order Board Signs, or Institutional Information Signs.
 1. For Monument Signs, and Institutional Information Signs, and Order Board Signs, no more than 50 percent of a sign's actual area shall contain an Electronic Message Sign.
 2. Electronic Message Signs shall count toward the site's maximum permitted sign area, except for institutional Information Signs.
- (e) Messages and non-text images shall not change appearance more than once every 10 seconds, and transitions between messages shall be via instantaneous change. Use of Electronic Message Signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered flashing, scrolling, or animated signs, which are prohibited per Section 19.54.030(g).
- (f) Electronic Message Signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- (g) Electronic Message Signs shall comply with the exterior lighting requirements of Section 19.57.150.
- (h) Electronic Message Signs shall be maintained so as to be able to display messages in a complete and legible manner.

19.54.050: FUEL PRICE SIGNS AND FUELING STATION CANOPY SIGNS AND STRIPES

- (1) **Fuel Price Signs.** A type of sign that lists the price of gasoline sold on-site, as required by Wis. Stat. section 100.18(8).

- (a) Fuel Price Signs shall not be separate signs, but rather shall be integrated into the design of a permitted sign, described in Section 19.54.030(1) and in Figures in this ordinance. 19.54.080
 - (b) Fuel Price Signs shall list no more than one price per type of fuel. Such prices shall be displayed on a single structure.
 - (c) Fuel Price Signs may be illuminated, per the exterior lighting requirements of Section 19.57.150.
 - (d) Fuel Price Signs may contain changeable copy or Electronic Message Signs per the requirements of Section 19.54.040.
- (2) **Fueling Station Canopy Signs and Stripes.** A type of sign that is placed on the fascia of a fueling station canopy.
- (a) Fueling station canopy signs and stripes shall require a Conditional Use Permit.
 - (b) Names, logos, or symbols shall be a maximum of 4 square feet in size and must face a public right-of-way.
 - (c) Stripe width is limited to a maximum height of 20 percent of the fascia's vertical height, to a maximum height of 12 inches.
 - (d) Canopy signs and stripes may be internally illuminated. See Section 19.54.140 for illumination requirements.

19.54.060: GROUP DEVELOPMENTS

- (1) **Group Development.** is a development containing two or more nonresidential tenants in spaces with separate outside customer doors. In order to accommodate increased signage needs for multi-tenant buildings or a site with multiple business, Group Developments shall be permitted.
- (a) **Group Development freestanding signs**
- 1. Each business/tenant shall be eligible for integration into a Group Development Sign. The allocation of sign area for each tenant shall be determined by the property owner.
 - 2. Group Development Signs shall be configured as a free-standing Signs
 - 3. Group Developments may increase the maximum sign size area by 20 square feet per additional storefront with a maximum of 160 square feet in total sign area, and an increase in maximum height up to 2 feet in height above the maximum height established in Figure 19.54.080
 - 4. Once a Sign Permit is granted for a proposed Group Development Sign, all existing freestanding signs on the site shall be brought into conformity with this Chapter.

19.54.070: PERMITTED SIGN RULES

- (1) Signs shall be allowed on private property in the City in accordance with 19.54.080 through 19.54.110, which address permitted signage as it relates to permits, quantity, area, location, lighting, and zoning districts. The requirements set forth in 19.54.080 through 19.54.110 shall be declared to be part of this Chapter.
- (f) The rules for Permanent Business Signs are located in 19.54.080.
 - (g) The rules for Temporary Business Signs are located in 19.54.090.
 - (h) The rules for Permanent Miscellaneous Signs are located in 19.54.100.
 - (i) The rules for Temporary Miscellaneous Signs are located in 19.54.110.
 - (j) Signage for all uses in the Planned Development zoning district shall be permitted per the base zoning district and may be granted flexibility through the Planned Development process.

FIGURE 19.54.080: PERMANENT BUSINESS SIGN GROUP

REFER TO SECTION 19.54.030 FOR DEFINITIONS AND RULES FOR EACH SIGN CATEGORY AND EACH SIGN TYPE

Sign Categories & Sign Types		Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown
								R-1, R-1x, R-2, R-2A, R-0	R-3, R-3A, R-4,	B-1, B-1A, B-3, M-1, M-2, WUTP, AT, and I	B-2, B-2A
1. Monument Sign	Under 50 sq. ft Staff approval	1 sign per Lot,	15' from the street curb	Durable, all-weather materials in all districts	Standard.	1 sf of sign area per .45 ft of street frontage	Not allowed	50 sf area per frontage 6 ft height limit	Use Sign Area Formula with a 100 sq. ft. max 6 ft height limit	50 sf area per frontage 6 ft height limit	
2. Dual-Post Sign		Over 50 sq. ft. C.U.P.									1 sign per street frontage, plus 1 sign per lot with more than 200 feet of total street frontage
3. Pylon Sign	Yes: C.U.P. approval.	1 sign per Lot					Not allowed	Not allowed	Use Sign Area Formula with a 100 sq. ft. max	50 sf area 18 ft height limit	
B. On-Building Sign Category Choose 1 of the following Sign Types. Note: All On-Building Signs on the same building façade must be the same Type of Sign (1-4), below.											
1. Wall Sign	Yes: Staff approval	1 sign, More than one sign requires a CUP	Sign shall not extend above parapet or fascia. Minimum overhang rules.	Durable, all-weather materials in all districts.	Ambient, backlit, or gooseneck.	1 sf of sign area per 1 ft of building façade length	Not allowed	50 sf area	Per formula.		
2. Awning Sign					Gooseneck.			Per formula.			
3. Canopy Sign					Backlit, gooseneck.			40 sf area	60 sf area	40 sf area	
4. Marquee Sign	Yes, For Each new sign P.C. approval.				Standard.			Not allowed	100 sf area		
C. Pedestrian Sign Category Choose 1 of the following Sign Types. Note: All Pedestrian Signs on the same building façade must be the same Type of Sign (1-2), below.											
1. Projecting Sign	Yes: Staff Approval.	1 for each customer entrance.	Minimum overhang rules.	Durable, all-weather materials in all districts.	Gooseneck.	None. Use max area.	Not allowed		16 sf area	10 sf area	
2. Suspended Sign							Not allowed		10 sf area	10 sf area	
D. Daily Notice Sign Category											
1. Menu Board Sign	Yes: Staff approval.	1 for each business.	Within 10 ft of customer entrance.	Durable, all-weather materials in all districts.	Internal.	None. Use max area.	Not allowed		8 sf area		
2. Sandwich Board Sign	No Permit Required		15' from the street curb face.		Ambient only.		Not allowed		6 sf area / 3 ft height / 2 ft width		
3. Bulletin Board Sign	Yes: Staff approved				Internal.		Not allowed		10 sf area / 8 ft height		
4. Order Board Sign	Yes: PC Approval		Drive-thru		Standard.		Not allowed		24 sf area / 8 ft height		

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

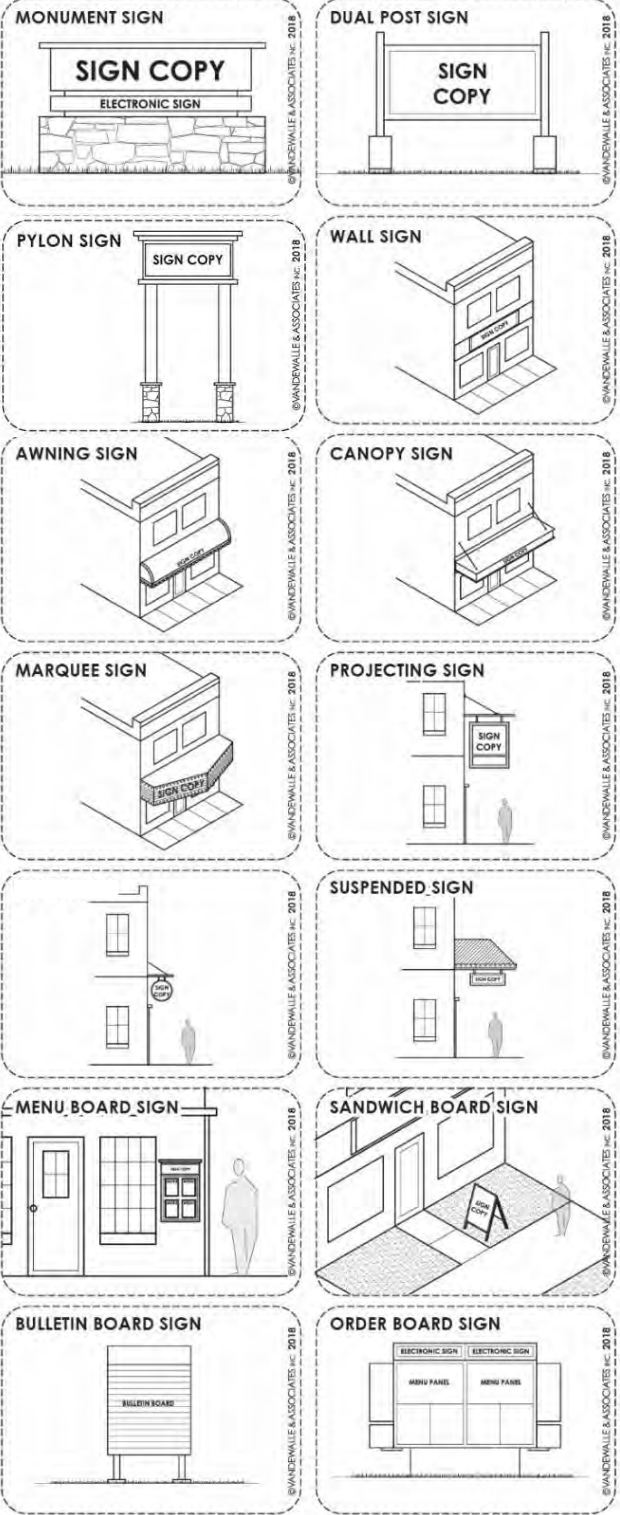


FIGURE 19.54.090: TEMPORARY BUSINESS SIGN GROUP

Refer to Section 19.54.030 for definitions and rules for each Sign Category (lettered), and each Sign Type

Sign Categories & Sign Types		Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown
								R-1, R-1X, R-2, R-2A, R-0	R-3, R-3A, R-4,	B-1, B-1A, B-3, M-1, M-2, WUTP, AT, and I	B-2, B-2A
A. Window Sign Category No time limit on the display of these signs.											
1. Window Sign		No Permit Required.	Not to exceed maximum coverage percentages.	Only allowed on the inside of the window.	Paper, vinyl, or similar lightweight material.	Ambient only; up to 1 internally illuminated or neon sign per tenant	Based on the percent of window area covered. →	Not allowed.			50% max window area coverage
B. Temporary Board or Banner Sign Category:											
1. Board Sign		No Permit Required.	Not allowed		Plywood or similar rigid, all-weather material.	Ambient only.	None; Use max sign area limit. →	Not allowed.			32 sf max area
2. Banner Sign			1 per business.	On-building	Vinyl, Fabric, or Lightweight all-weather material.			Not allowed.			100 sf max area, No max height
C. Temporary Flag or Feather Sign Category No time limit on the display of these signs.											
1. Flag Sign		No Permit Required.	1 per lot.	Sign setback shall be at least max. sign height	Vinyl, Fabric, or Lightweight all-weather material.	Ambient Only	None; Use max sign area limit. →	32 sf max area, cannot exceed building height			
2. Feather Sign								8 sf max area, 6 ft max height			
D. Temporary Approved Development Sign Category Display limit is based on the period of active development.											
1. Active Building Sign		No Permit Required.	1 for each development team member.	On-Building; or Freestanding; and clustered in a single location approved by the City	Any durable, all-weather material.	Ambient only.	None Needed.	100 sf max area, 15 ft max height			100 sf max area, 15 ft max height
2. Active Plat Sign											
E. Prohibited Temporary Sign Category Display of the following signs is always prohibited in all zoning districts:											
<ul style="list-style-type: none">Signs resembling any traffic control sign.Signs in a required vision triangle (19.51.010) near a street intersection or driveway apronSigns in public right-of-way, unless authorized by City through special events permit or designee.Signs that project above the building parapet or eave.Signs that flutter, undulate, swing, rotate, or otherwise move, e.g. inflatable signs, wind socks/tubes, pennants, streamers, festoons, and pinwheels; except signs permitted in A.-C., above.Flashing, scrolling, or animated signs (including signs that change their appearance more often than once per 10 seconds), beacon, search lights, and strobe lights.Signs mounted on platforms, with wheels or runners, such as trailer signs, sled signs, or other portable signs.											

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

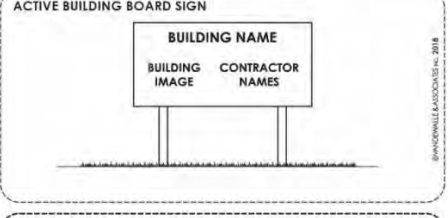
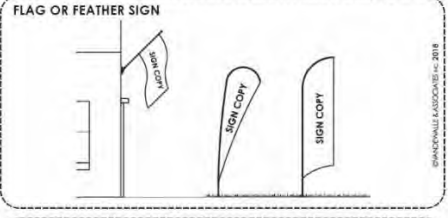
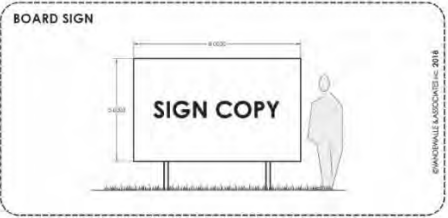
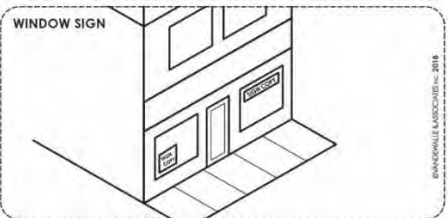


FIGURE 19.54.100: PERMANENT MISCELLANEOUS SIGN GROUP

Refer to Section 19.54.030 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).

Sign Area & Height
Maximums for Zoning Districts:
Available to all land uses in Chapter 19 Zoning district., other than Institutional Information Signs

Sign Categories & Sign Types	Sign Permit Required and Approver	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown
							R-1, R-1X, R-2, R-2A, R-0	R-3, R-3A, R-4,	B-1, B-1A, B-3, M-1, M-2, WUTP, AT, and I	B-2, B-2A

A. Miscellaneous Sign, approved during site plan review Category

1. Address Sign	No Permit Required.	1 per address.	On-building, and visible from street.	Any durable, all-weather material.	Ambient only.	None needed. Use max sign area limit. →	4 sf max area 6 ft max mounted height		
2. Building Management Identification Sign			On-building, and next to main entry				4 sf max area 6 ft max mounted height		
3. On-Site Warning Sign		5 per address	On-building, or freestanding.				6 sf max area 4 ft max post mounted height 6 ft max building or fence height		
4. On-Site Directional Sign	Yes. Staff approval	As permitted in writing by the Zoning Administrator.					6 sf max area 4 ft max post mounted height 6 ft max building or fence height		

B. Optional Miscellaneous Sign Category

1. Metal or Ceramic Plaque Sign	Yes. For each new sign. Landmarks Commission approval.	As permitted in writing by the Zoning Administrator.	On-building or freestanding.	Bronze, aluminum, or stainless steel.	Standard.	None. Needed. Use max sign area limit. →	6 sf max area 6 ft max height	
2. Permanent Plat Sign	Yes. Staff approval	As approved per the final plat.	Sign setback shall be at least max. sign height.	Any durable, all-weather material.	Standard.		100 sf max area 6 ft max height	100 sf max area 6 ft max height
3. Institutional Information Sign	Yes. For each new sign. P.C. approval.	1 per site, more than 1 P.C. approval	Freestanding with minimum 15 ft setback.			10 sf per 100 ft of lot frontage	100 sf max area 6 ft max height	

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:

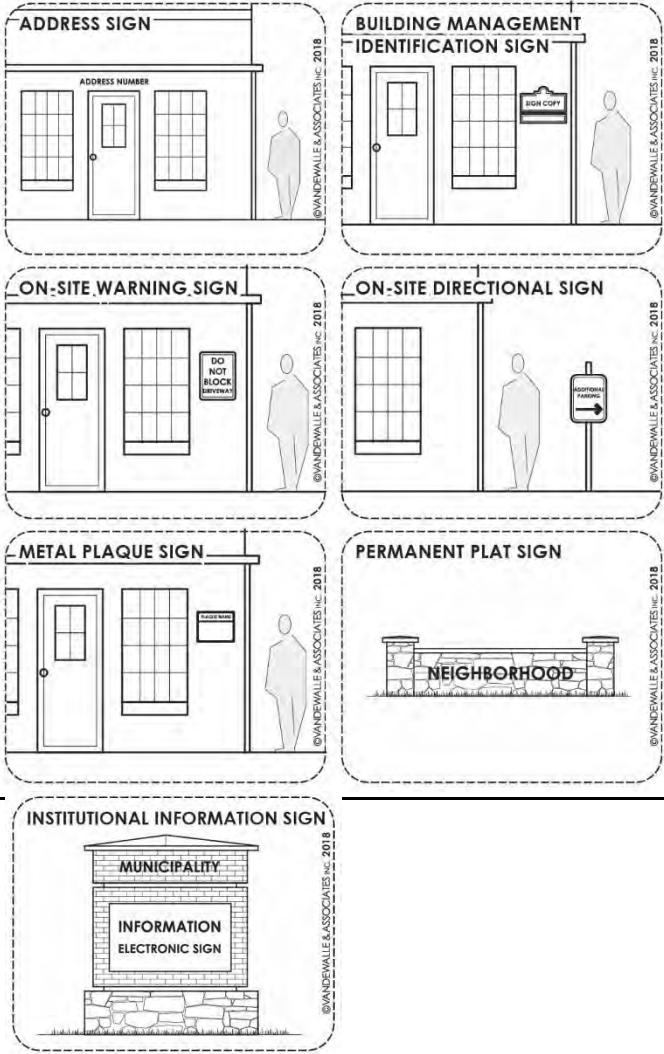


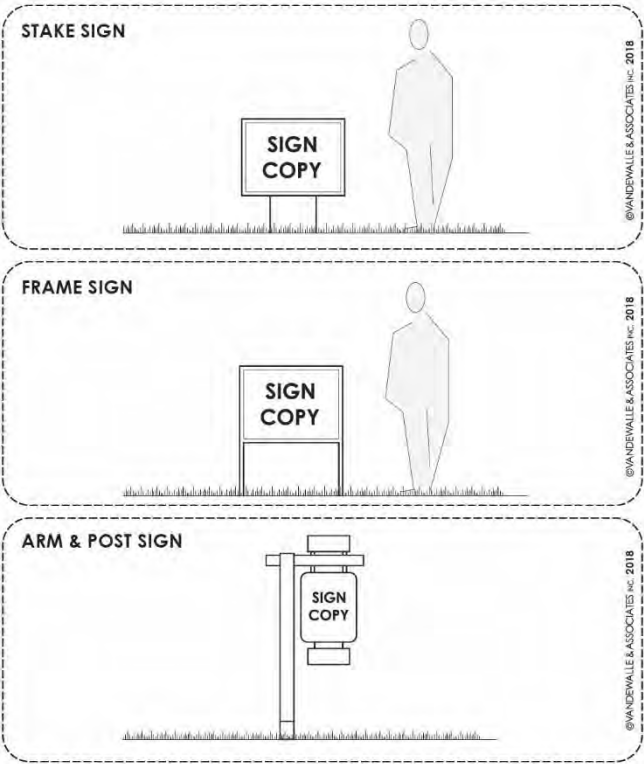
FIGURE 19.54.110: TEMPORARY MISCELLANEOUS SIGN GROUP

Refer to Section 19.54.030 for definitions and rules for each Sign Category (lettered), and each Sign Type

Sign Categories & Sign Types	Sign Permit Required?	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Downtown
							R-1, R-1X, R-2, R-2A, R-0	R-3, R-3A, R-4,	B-1, B-1A, B-3, M-1, M-2, WUTP, AT, and I	B-2, B-2A
A. Yard Sign Category										
1. Stake Sign	No Permit Required.	2 per lot	Must be located on-site	Any material.	No.	Use max sign area limit. →	A maximum net square footage area of 12 square feet per sign and maximum height of 6 feet per sign.			
2. Frame Sign										
3. Arm & Post Sign							12 sf max area 6 ft max height			

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission

Example Sign Diagrams:



19.54.120: SIGN SETBACK, HEIGHT, MEASUREMENT, AND FLEXIBILITY

- (1) Sign Setbacks. Signs must be located on-site, outside of the vision triangle (19.50.010), and must not be located within any street right-of-way, unless otherwise specified or approved by the Plan Commission. Each sign type must be set back in a location consistent with, 19.54.080 19.54.090 19.54.100 and 19.54.110.
- (2) Sign Height.
 - (a) The height of a freestanding sign shall be measured from the average ground level adjacent at the base of the sign to the top of the highest attached component of the sign, or from the centerline grade of the nearest adjacent public road. Information shall be supplied with the permit application.
 - (b) The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- (3) Minimum Ground Clearance. All On-Building and Pedestrian Signs shall have a minimum clearance of 14 feet above a drive, alley, or street and a minimum of 8 feet above a sidewalk, path, trail, or other ground-level surface.
- (4) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:
 - (a) Unless otherwise specified in this chapter, in the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign area(s) that can be viewed from any single vantage point. i.e., for a typical freestanding sign that faces two directions, only the largest sign face visible from any single vantage point shall count toward the total permitted sign area. Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.
 - (b) For signs comprised of individual letters and related copy which are attached to a background surface with one or more neutral surface colors, sign area shall be measured as the sum of the smallest rectangle or as the sum of the irregular shapes enclosing each letter or related copy. See Example 1 in Figure 19.54.120(2).
 1. If an exact sign area calculation is not provided by the sign manufacturer, then the sign shall be measured using the smallest rectangles method.
 2. If an exact sign area calculation is provided by the sign manufacturer, then the applicant has the option to use the sum of the irregular shapes enclosing each letter or related copy to calculate the sign's total area.
 - (c) For signs comprised of individual letters and related copy which are attached to a background surface with one or more non-neutral background colors, sign area shall be measured as the sum of the smallest rectangles and right triangles enclosing entire sign message and any and all non-neutral background color areas. See Example 2 in Figure 19.54.120(2).
 - (d) For signs comprised of letters and related copy surrounded by one or more sign background colors on a single panel, frame, or cabinet, the sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 3 in Figure 19.54.120(2).
 - (e) For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 4 in Figure 19.54.120(2).
 - (f) Groupings of related smaller signs may be counted as one sign. In such cases, sign area shall be measured as the smallest single rectangle enclosing the individual signs and any and all background color areas. See Example 4 in Figure 19.54.120(2).
 - (g) For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See Figure 19.54.120(1).

Figure 19.54.120(1): Measurement of a 3D Sign Area

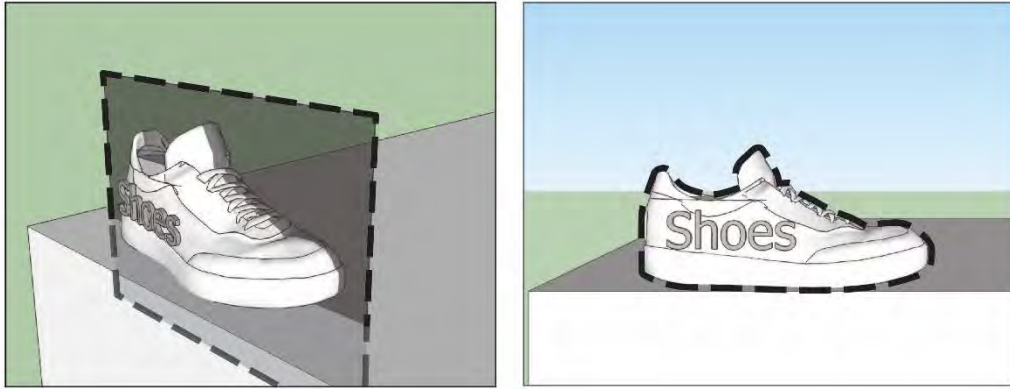


Figure 19.54.120 (2): Measurement of Sign Area



Example 1: Individual letters on a neutral surface

If a sign area calculation is not provided, the sum of smallest rectangles OR

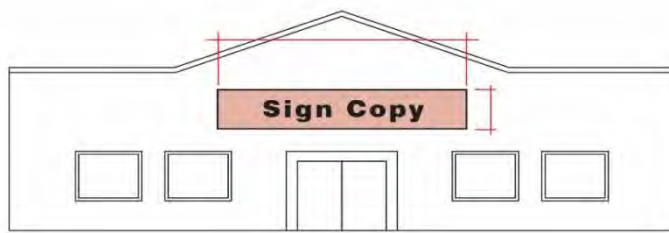


If a sign area calculation is provided with the sign permit application, the sum of the irregular shapes enclosing each letter or related copy



Example 2: Individual letters on a colored background

Sum of smallest rectangles and right triangles



Example 3: Individual letters or words
grouped on one or more panels

Smallest single rectangle



Example 4: Individual letters on separate
panels

Smallest single rectangle

SECTION 19.54.130: SIGN PERMITS – APPLICATION, ENFORCEMENT, AND REVOCATION

- (1) Applicability.
 - (a) No Sign that requires a permit shall be erected, installed, re-faced or constructed without approval from the City of Whitewater. .
 - (b) For signs requiring a permit, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.
 - (c) This Section shall not apply to cleaning, repair, or other normal maintenance of the sign or sign structure.
 - (d) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs. Any alteration or relocation of such signs shall conform to the requirements of this Chapter.
 - (e) Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.
 - (f) The owner or tenant may request all such signs at one site be included under one permit.
- (2) Review Authority.
 - (a) The City shall review all Freestanding, On-Building; Order Board, or Optional Miscellaneous Signs, all signs accompanying changes in use or new use which must receive approval and all proposed signs which would require approval of a Group Development for a site or sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of use or a sign permit. All signs which require approval of a sign permit by the Zoning Administrator or Plan Commission shall be reviewed according to the following evaluation factors:
 1. Conformance to the zoning and sign code.
 2. Minimization of conflict with vehicular or pedestrian circulation.
 3. Compatibility with the building characteristics, adjacent uses, and adjacent signs.
 4. Compatibility with the specific physical site conditions which warrant approval of the proposed sign.
 5. Materials and maintenance aspects.
 6. Legibility and visual clarity.
- (3) Sign Permit Application. Each sign permit application shall include:
 - (a) The name, address, phone number, and email address of the applicant.
 - (b) The name of the business or land use the proposed sign will serve.
 - (c) The name, address, phone number, email address, and signature of the property owner.
 - (d) The name, address, phone number, and email address of the sign contractor.
 - (e) The property's zoning designation.
 - (f) The property's current land use or uses for the entire subject property, including all indoor and outdoor areas.
 - (g) The approved site plan for the subject property. If a site plan was not previously required or approved, a site plan for the subject property with requirements as determined by the Zoning Administrator shall be provided. At a minimum, the site plan shall include the following:
 1. Location, type, height, width, and area of the proposed sign.

2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
 3. All property lines and buildings on the property and within 50 feet of the proposed sign.
 4. All parking areas, driveways, and public roads.
 5. Method of attachment, structural support, method of illumination, and sign materials.
 6. The total area of all signs on the subject property both before and after installation of the proposed sign.
 7. Approximate value of the sign to be installed, including cost of installation.
- (h) Payment of the sign permit fee, as established from time to time by the City.
 - (i) A written statement that all temporary signs will be removed per the limits.
 - (j) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.
 - (k) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.
- (4) Granting and Issuance.
- (a) The Zoning Administrator shall review the application to ensure it is complete per the requirements of this Chapter.
 - (b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance, and shall, in writing, either approve or deny said sign permit within 10 working days of the acceptance of the complete application and payment of the required fee.
 - (c) When a proposed sign is associated with any development that requires a Site Plan, a sign permit shall not be granted prior to the approval of a Site Plan. In such cases, the Zoning Administrator shall review said application for compliance Administrator shall approve or deny said sign permit based on such recommendation or action.
 - (d) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.
 - (e) A granted sign permit shall expire, and shall be null and void, if the sign is not attached or erected within 180 days after the issuance of the sign permit.
- (5) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:
- (a) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (b) Whether the sign is in compliance with all provisions of the City of Whitewater Municipal Code and Building Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- (6) Enforcement and Revocation of Sign Permit.
- (a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Zoning Ordinance violations or the Building Inspector for Building Code or other construction code violations.
 - (b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is

suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.

- (c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 60 days of such revocation.
- (d) Revocation shall not result in total or partial reimbursement of permit fees paid.
- (7) Appeals. Any person affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify, or withdraw the notice.
- (8) Removal of Signs in Violation of this Chapter.
 - (a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within 60 days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.
 - (b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.
 - (c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.
 - (d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.

19.54.140 : SIGN PROHIBITIONS AND LIMITATIONS

The regulations contained in this Subsection apply to signs in all zoning districts.

- (1) Sign Prohibitions.
 - (a) Signs in a required vision triangle (19.51.010) near a street intersection or driveway apron
 - (b) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse users of streets or highways. Signs resembling any traffic control sign.
 - (c) No signs shall project above the building parapet or eave, or be mounted on or extend above the roof, if attached to the building. Roof Sign. A sign displayed above the eaves or cornice of a building.
 - (d) No billboards or off-premise advertising signs shall be permitted.
 - (e) No sign shall be located within a required buffer yard or SEWRPC designated Environmental Corridors.
 - (f) Signs in public right-of-way, unless authorized by City through special events permit or designee.
 - (g) Abandoned Sign. Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 60 days.

- (h) No fluttering, undulating, swinging, rotating, or otherwise moving signs such as windsocks, motorized signs, pennants, and streamers shall be permitted. This shall not apply to Banner Signs, Flag Signs, or Feather Signs as defined in 19.54.090.
- (i) No beacons or search beacons shall be permitted.
- (j) Flashing/Scrolling/Animated Sign. A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Flashing, scrolling, or animated signs (including signs that change their appearance more often than once per 10 seconds), beacon, search lights, and strobe lights. Electronic Message Signs meeting the definition and requirements of Section 19.54.040 of this Chapter shall not be considered flashing, scrolling, or animated signs.
- (k) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district (per Section 19.57.150).
- (l) Inflatable Sign. A sign capable of being filled with and expanded by air or other gas, including includes animated or “dancing” inflatable signs.
- (m) Signs that flutter, undulate, swing, rotate, or otherwise move, e.g. inflatable signs, wind socks/tubes, pennants, streamers, festoons, and pinwheels;
- (n) Advertising Vehicle Sign. A vehicle, trailer, or other piece of equipment which contains any sign or advertising device, which is unlicensed and/or inoperable, and which is parked on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.
- (o) Business vehicles legally parked in any of the locations described below shall not be considered Advertising Vehicle Signs.
- (p) A business vehicle parked on-site at the place of business in a parking space designated for company vehicle parking or storage on a site plan approved by the City;
- (q) No signs shall be mounted to an unlicensed trailer or other unlicensed vehicle.
- (r) A business vehicle legally parked on-site at the residence of an employee (including driveways and legal off-street parking spaces)
- (s) Mobile/Portable Sign. A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including unlicensed or inoperable vehicles and/or trailers whose principal commercial use is for signage. Licensed and operable business vehicles, trailers, or other pieces of equipment shall not be considered mobile or portable signs. Sandwich Board Signs meeting the definition and requirements of Section 19.54.020 (1)(d)2. of this Chapter shall not be considered mobile or portable signs.
- (t) Prohibited Temporary Sign Category. Exterior signs or similar eye-catching devices with the characteristics described in Section 19.54.030(5) are prohibited at all times by this Chapter.
- (u) Signs mounted on platforms, with wheels or runners, such as trailer signs, sled signs, or other portable signs.
- (v) Display limit is based on the period of active development.

(2) Sign Limitations.

- (a) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (b) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of Section 19.51.010.
- (c) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, fire hydrant, public utility pole, public light pole, or traffic regulatory structure, unless otherwise authorized by the City Engineer or designated staff.
- (d) Except for permitted Awning, Canopy, Marquee, Projecting, Suspended, On-Site Warning, On-Site Directional Signs, or unless otherwise allowed by this Chapter, no sign shall be permitted within or extend into a public right-of-way.
- (e) No person shall: paste, tape, staple, or otherwise fasten any paper or other material to, nor paint, stencil, or otherwise write or color any object, vegetation, or pavement located within any street right-of-way; nor shall any of such object, vegetation, or pavement be defaced in any manner. The only exception to these restrictions is that painting may be allowed on curbs when approved by the City Council upon receiving a favorable recommendation from the City Engineer, after his/her investigation of a written request.

19.54.150 : APPEARANCE, CONSTRUCTION AND MAINTENANCE OF SIGNAGE

- (1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the Building Code as adopted by the City relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the Electrical Code as adopted by the City.
- (2) The base or support(s) of all ground-mounted signs shall be securely anchored to a concrete base or footing, and shall meet minimum wind load capabilities of 30 pounds per square foot.
- (3) The footing and related supporting structure of a permanent Freestanding Sign, Permanent Plat Sign, or Institutional Information Sign, including bolts, flanges, and brackets, shall be concealed by landscaping using the formula of two landscaping points for every foot of sign's width as measured on the sign face or sign base – whichever is greater.
- (4) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces shall be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.
- (5) No sign shall be suspended in a way that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.
- (6) All permanent signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials.
- (7) Sign materials shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign.
- (8) No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (9) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (10) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

- (11) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be subject to fines.
- (12) If any sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$1,000,000 per occurrence per sign.

19.54.160 : NONCONFORMING SIGNS

- (1) Nonconforming Signs. Permanent signs existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter, such as brightness, scrolling, size, height, and location provisions, shall be nonconforming signs.
- (2) Continuation of a Nonconforming Sign.
 - (a) Nonconforming signs may be maintained.
 - (b) Nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. See Subsection (3)(a), below, for what would constitute an alteration of a sign.
 - (c) When the principal structure located on the site undergoes a change of land use per the lettered land use categories described in Article III, all nonconforming signs shall be brought into conformance with the provisions of this Chapter or shall be removed.
 - (d) Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.
- (3) Alteration of Nonconforming Signs.
 - (a) For the purpose of this Section, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator.
 - (b) Altering a sign does not include maintaining the existing appearance of the sign; changing the appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Marquee Sign; or changing the face of an Off-Premise Advertising Sign (billboard).
 - (c) A tenant sign which comprises part of a Group Development Sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire project identification sign, or any of its parts, into compliance with the provisions of this Chapter.

19.54.170 : REMOVAL OF SIGN AND SIGN STRUCTURES WHERE BUSINESS IS NO LONGER IN OPERATION

- (1) A building, portion of a building, or site shall be determined to be vacated based on the following criteria: (1) vacancy, (2) cessation of some or all utilities, or (3) lapse or termination of occupational license. Vacation of a building, structure or site shall have the following effect:
 - (a) At 60 days, nonconforming signs shall lose their legal nonconforming status.
 - (b) At 60 days, the owner of the property shall take action regarding any Permanent or Temporary Business Signs and/or sign structures associated with the vacant building, portion of a building, or site located on the property. At the property owner's option, the property owner shall do one

of the following: remove all such signs and structures, or replace the face of such signs with a blank sign face. If the property owner is granted an extension under Subsection (c) below, the requirement shall not apply during the extension period.

- (c) An extension allowing signs and/or sign structures associated with vacant buildings, portions of buildings, or sites to remain on the property for an additional six-month time period after the original 60 days have lapsed may be granted under the following conditions:
 - 1. The property owner shall submit an application with the appropriate fee and allow staff to inspect the signs and/or sign structures on the vacated building, portion of a building, or site.
 - 2. Staff shall review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
 - 3. Signs shall be properly blanked out and contain no commercial message.
 - 4. If the sign has been damaged during the vacated period to the point it becomes a safety hazard or blight on the property, staff may have the structure removed.
 - 5. After the original six-month extension, one additional six-month extension may be approved by staff for up to one year upon submittal of a new application and fee. Any additional applications for an extension, beyond the first year, shall be approved by the Plan Commission.
 - 6. Owners of nonconforming signs may also apply for an extension; however, the sign shall not thereafter be reestablished except in full compliance with this Chapter.
- (2) Sign structures that have been left without a sign face, or where the permit holder no longer has any interest in the site as owner or tenant, any of which for a continuous period of 90 days, shall be deemed abandoned and shall be removed by the owner of the sign structure or the City shall proceed to remove such sign structure pursuant to the terms of this Chapter if the owner has not been granted an extension.
- (3) If the sign and/or sign structure(s) have not been removed, the City shall send written notification to the property owner of record and/or last known occupant, via certified mail, return receipt requested, indicating that said property owner or occupant remove the sign and/or sign structure or apply for and be granted an extension. If the sign and/or sign structure have not been removed within 60 days after the City sends notice, and an extension has not been granted, the City may have the sign and/or sign structure removed.
- (4) Any and all costs incurred by the City in the removal of a sign or sign structure pursuant to the provisions of this Section, which authorized assessment of the cost, shall constitute a lien against the property upon which the sign or sign structure existed and shall be collected in the same manner as provided elsewhere in the regulations of the City of Whitewater.

19.54.180: FEES

Fees related to signage shall be determined by the current City fee schedule.

Irvin L. Young Memorial Library
431 W Center St
Whitewater WI 53190
Board of Trustees Regular Meeting
Online Virtual Meeting
Monday, December 21, 2020, 6:30 pm

MINUTES

Mission Statement:

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

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

1. Call to Order at 6:34 p.m.

Present: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Jennifer Motszko, Kathy Retzke, Steve Smith, Jaime Weigel, Jim Winship

Absent: Doug Anderson

Staff: Stacey Lunsford, Deana Rolfsmeyer, Torrie Thomas, Diane Jaroch

2. Consent Agenda

- a. Approval of Minutes of the November 16, 2020 regular meeting*
- b. Acknowledgment of Receipt of Financial Reports*
- c. Acknowledgment of Payment of Invoices for November 2020*
- d. Acknowledgment of Receipt of Statistical Reports for November 2020*
- e. Acknowledgment of Receipt of Treasurer's Reports for November 2020*

MSC Jim Winship/Lisa Dawsey Smith to approve Consent Agenda.

Ayes: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Kathy Retzke, Jaime Weigel, Jim Winship, Steve Smith

Nays: none

3. Hearing of Citizen Comments

- a. No formal Library Board action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three-minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Library Board discusses that particular item.

4. New Business

- 4.I. Approval Of Invoice For Legal Services For The Library Building Project ~ see attachment.

MSC Lisa Dawsey Smith/Brienne Diebolt-Brown to approve the Invoice for Legal Services for the Library Building Project.

Ayes: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Kathy Retzke, Jaime Weigel, Jim Winship, Steve Smith

Nays: none

4.II. Strategic Plan 2020 Activities Year-End Update

- Board agreed to postpone new vault lighting and carpet until the Library Expansion Project begins.
- Many projects were carried over to 2021 due to COVID-related restrictions that limited interaction with patrons.
- Stacey will put Strategic Plan Goals on the January agenda for the Board to review and opportunity to suggest new activities or update existing ones for 2021.
- The Board is encouraged to email Stacey with any ideas in the interim.

4.III. Discussion And Possible Action On Financial Planning For Library Board Funds

- Attached is a report from the meeting with financial advisory Aurelio Callope that the Board Treasurer and the Director had earlier this year. Also attached are two documents from the City Finance Director about the Local Government Investment Pool.
 - Kathy reported on a recent meeting with Aurelio Callope. She shared that we have small amounts of money spread out “in little pots.” She wondered if it would make more money if it was better organized and invested.
 - Kathy and Stacey agreed that hiring a financial consultant was needed to advise library investments, specifically the Endowment Fund which is roughly \$140,000.
 - Lisa shared that it’s difficult in this current economic climate to make much money without being willing to take a risk. She suggested that this is a deeper conversation and that the Board needed a larger array of examples to decide upon.
 - Selling the library property was briefly discussed. Jim Winship added that managing our money would be beneficial from a PR standpoint when we begin the fundraising for the expansion project.
 - Action steps identified:
 - Ask the Endowment Fund Board to share what investments that it currently has.
 - Ask Steve Hatton for the amount to be invested and if he can assist the Board on this matter.

- Stacey will include in the January Agenda a primer on the Endowment Fund.
- Anne tasked Jim to work with Stacey on getting a current understanding of the Endowment Fund and its Board, specifically to find out if current Board members are still interested in serving.
- Kathy reported that a CD is coming due with Premier Bank in February and another CD with First Citizens in April. Will need to make a decision soon with what we want to do with those CDs.
- Kathy also shared that the portfolio is currently at \$67,362. It was agreed that we need to do something with it otherwise it will never grow.
- Lisa Dawsey Smith asked her husband, Garrett Dawsey Smith, and he agreed to sit on the Endowment Fund Board.

4.IV. Sustainable Shelves Program Through Baker & Taylor

- This is a new option for selling our weeded materials but also being able to recycle items that are not suitable for resale.
 - Stacey spends a good amount of time hauling boxes of books to Goodwill, this would be another option for books that need to be weeded. Many of them have been donated or are in unusable condition.
 - Steve suggested donating books to the Kiwanis program.
 - Board gave Stacey approval to pursue this program.

4.V. Approval Of The 2021 County Library Services Contract For Jefferson County

MSC Lisa Dawsey Smith/Brienne Diebolt-Brown to approve the 2021 County Library Services Contract For Jefferson County

Ayes: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Kathy Retzke, Jaime Weigel, Jim Winship, Steve Smith

Nays: none

4.VI. Approval Of Holidays And Special Closings For 2021 ~ see attached

- Discussion took place regarding the possibility of recognizing Dr. Martin Luther King Jr. Day as a holiday.

MSC Jim Winship/Lisa Dawsey Smith to amend the recognized holidays to add Dr. Martin Luther King Day in January.

Ayes: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Kathy Retzke, Jaime Weigel, Jim Winship, Steve Smith

Nays: none

MSC Jim Winship/Kathy Retzke approved the Holidays and Special Closings for 2021 as amended.

Ayes: Lisa Dawsey Smith, Brienne Diebolt-Brown, Anne Hartwick, Kathy Retzke, Jaime Weigel, Jim Winship, Steve Smith

Nays: none

5. Staff & Board Reports

8.I. Director's Report ~ see attached

- Upcoming: Feb. 16th is Library Legislative Day

8.II. Adult Services Report ~ see attached

- 45 people viewed Diane's program "Decorating with Greenery"

8.III Youth Educational Services Report ~ see attached

- Community Challenges (1,000 books before Kindergarten, 800 books before 18, and Community Reads) are being put on Beanstack so patrons have a virtual option.
- Board requested that Deana give periodic updates on her Project READY cohort.

8.IV. Programming & Makerspace Librarian Report ~ see attached

- Torrie received a lot of positive feedback from the recent Paleontology series.
- *Health, Disparity, and Race* is an upcoming virtual program to coincide with Dr. Martin Luther King Jr. Day. Jim requested that it be advertised on the Banner several times.

8.V. Bridges Library System Staff Report ~ see attached

6. Board Request for Future Agenda Items

- Jim asked if there was a way for attendees from asynchronous programs to be asked for their feedback.

7. Adjournment Into Closed Session

I. Adjournment into Closed Session NOT TO RECONVENE per Wisconsin State Statute 19.85(1) (c) "Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility."

Item to be discussed:

- a) Performance evaluation for the Library Director

Did not confirm the date of our next meeting since it was previously scheduled for January 18, 2020, which is Dr. Martin Luther King Jr. Day.

Adjourned into closed session at 7:51 PM.

Minutes respectfully submitted by Jaime Weigel on January 1, 2021



Finance Committee Meeting Minutes of December 10, 2020

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

1. Call to Order and Roll Call.

Committee Chair Jim Allen called the meeting to order at 4:30 pm.

Present at the meeting were Committee Members Jim Allen and Greg Majkrzak.

Absent: Patrick Singer

Staff members and guests also present: City Manager Cameron Clapper, Finance Director Steve Hatton, Parks & Recreation Director Eric Boettcher

2. Authorization to Amend Agenda with Less than 72 hours Notice (Items Added to Agenda) – Addition of Innovation Center HVAC Update and Tax Incremental District Update

Allen made a motion to approve the amended agenda. Majkrzak seconded the motion.

Ayes: Allen, Majkrzak

Noes: None

Abstained: None

Absent: Singer

The motion passed by unanimous voice vote

3. Hearing of Citizen Comments – No members of the public in attendance offered comments.

4. Review and Approval of Minutes from October 8, October 13, and October 14, 2020 – Majkrzak made a motion to approve the minutes. Allen seconded the motion.

Ayes: Allen, Majkrzak

Abstained: None

Absent: Singer

Noes: None

The motion passed by unanimous voice vote.

5. Staff Updates

- a. Innovation Center HVAC Update – Hatton displayed the cover memo from the meeting packet. Boettcher explained the issues with the Innovation Center geothermal heating and cooling system (cooling, heating/cooling, and heating) and that components in the heating and heating/cooling units have failed. Currently the system is running at 50% and as it gets colder it will be harder to heat. Immediate need replacement costs are \$86,350. Once the repairs start and additional repairs are needed maximum repairs would be \$55,000 per unit. Full replacement is \$70,000 per unit. The cooling unit has had some issues, but nothing now. Repair pros include: parts are received quicker

compared to replacement and are less expensive. Cons include: there is no warranty, the unit is 10 years old and future repairs are likely. Replacing gives a 10 year warranty with 20 year life if maintained and possible use of components to repair the third unit. Cons include: more expensive, time, and only operating at 50%. The city worked with Vorpagal Heating on the quote and their recommendation is to replace the two units. Clapper said that the Finance Committee and Innovation Center Tech Park Board need to weigh-in on the issue, but he recommends replacing the two units. There may have been lack of maintenance early on. Hatton could discuss the financing. Allen asked what maintenance was missed because there aren't a lot of moving parts, just compressors and fans. Boettcher said that the water is an issue. In 2012 maintenance was turned over to the city. After review of the maintenance records, during the first 23 months of service the water chemistry wasn't tested/maintained. Since then it was corrected. Allen asked what was changed. Boettcher said the pH of the water and additives. The facility maintenance crew has learned more about the operation of the units. The city discussed replacing with other types of units, but it was determined that these would work best. Allen asked if they would warranty for more than ten years. Boettcher said most businesses only offer a ten year warranty. Majkrzak said the summary was good. Boettcher said the first two years did the damage. If the system is replaced and maintained properly there won't be the same issues. Majkrzak asked if there was confidence that the city has the knowledge. Boettcher said the facilities crew have learned a lot over the years. The building was designed for geothermal so a conventional unit would need new duct work and more. Hatton said that the Innovation Center is accounted for in Fund 920 which includes rents, revenues and expenditures. It pays its own expenses and has just under \$70,000 in Fund Balance. The thought is that the city would do an advance and it would be reimbursed in the future. Majkrzak asked if there was any benefit in replacing the units at different times. Boettcher said he didn't know but thought that the middle unit (heating/cooling) was needed for very hot or very cold temperatures. If you just replaced one it would put stress on the system. Allen asked what the recommendation was. Boettcher said to replace both the heating and the heating/cooling units and don't replace the cooling unit. Boettcher said he check with Vorpagal about not replacing the cooling unit and it affecting the warranty and they were not concerned as long as the units were maintained. Allen said that Vorpagal has had a long history with the city and he trusted their recommendation. Hatton said that the topic was included as informational, but wasn't on the agenda for action. Clapper said that the committee's endorsement counts. Allen said that it could be taken as direction.

- b. TID (Tax Incremental District) Update – Hatton said that the update was important to include because upcoming options are being promoted to the public. Hatton wanted to provide information for discussion with action to be taken in at the next meeting. Per Statutes, the TIDs need to close when they can pay all of their expenses. In 2021 all TIDs can be closed. Hatton reviewed that the City has the option to extend TID 4 for one year and would be able use the tax increment collected during that year to help support Affordable Housing. TIDs 5-9 are to be closed, regardless of whether TID 4 is extended for Housing or not. Any remaining fund balance at time of closure is returned to the underlying tax districts. Hatton provided estimates of the fund balance to be returned to the City and the increase and timing of Tax Levy following TID closures. Clapper said

TID 4 alone contains 12% of the overall city assessed value. If it is extended for a year, dollars could be used for affordable housing and new districts could be established. Hatton said if it was extended prior to April 15th a resolution would need to be created to terminate. Allen asked if an advisory committee is being put together by Cathy Anderson (Economic Development Director). Clapper said Anderson is working on all the steps and convening a meeting with all groups. She has been working with Neighborhood Services on an interactive map of future growth, existing TIDs and potential development. Allen said that Whitewater was successful with tax increment financing until the financial crisis of 2008. Hatton said there was a 10 year pause of development, but the TIDs were successful for funding projects that helped to prepare the City for growth.

c. Financial Update – Year-to-Date

Hatton reviewed the year to date numbers through November. There is an estimated surplus of \$430,000 for the general fund, which includes Routes for Recovery for COVID-19 expenses, personnel vacancies, and programs that weren't able to be offered as planned due to COVID. Clapper and department managers managed costs in absence of revenues. At the January meeting recommendations will be presented on surplus uses and transfers and negative fund balances will be addressed. In November shared revenue payments were received. Some of the operating deficits reflect planned use of fund balance. Hatton reviewed revenues and expenditures in 2020 and prior years.

6. 2021 Ride Share Program – The program in the city goes back to 1986 and the annual grant was submitted at noon today. Hatton will presented an overview to Common Council on Tuesday. In 2018 it was bid out for a two-year contract and in 2021 the contract is operating under a one-year option. Ridership has been in decline for several years until late 2019, when it began to recover. Due to COVID-19, ridership began to decline again in March. The city is responsible for any program shortfalls. The state has committed to fund shortfalls using CARES act funds in 2020 and 2021.

7. Discussion/Direction on the Following:

- a. 2020 Budget Amendment #1 – Hatton said that adjusting the budget for the 2010 bond call and 2020 wages budgeted in a lump-sum (1.5%) need to be reallocated to the various cost centers. Clapper stated that instead of leaving it in contingencies it would be better to make the change. Allen stated that Common Council may want a closed session item on how the wage increase was done. Clapper said it can be brought to the Common Council at a future meeting, but not at December 15th meeting.

Allen made a motion to recommend the budget amendment #1 to Council as presented. Majkrzak seconded the motion.

Ayes: Allen, Majkrzak

Noes: None

Abstained: None

Absent: Singer

The motion passed by unanimous voice vote.

- b. 2021 Salary Resolution – Hatton said that the salary resolution is completed yearly to authorize ranges of pay. Most of the changes are minor editorial changes. There was an

addition of 1.4%, which would cover the budgeted wage treatment and the highest potential supplement under the merit-pay program. Union positions are governed by contracts, which are good until the end of 2021. Parks & Rec positions; activity instructors and program attendants, were increased to staff programming. The changes to admin assistants are in titling only. The NSO position was added back to the resolution after being inadvertently removed in the 2020 resolution amendment adding a combined NSO / Fire Inspector position. Several positions have been footnoted to make it clear that they are paid-per-event and are not paid hourly.

Majkrzak made a motion to recommend the 2021 salary resolution to Council as presented. Allen seconded the motion.

Ayes: Allen, Majkrzak

Noes: None

Abstained: None

Absent: Singer

8. Future Agenda Items – Hatton said that surplus funds will be discussed at the next meeting.
9. Discussion of Next Meeting Date – The next Finance Committee meeting is scheduled for January 26, 2021 at 4:30 pm.
10. Adjournment - Majkrzak moved to adjourn with a second from Allen. The motion passed by unanimous voice vote.

The finance committee adjourned at 5:33 pm.

Respectfully submitted,

Kathy Boyd

Executive Assistant



Parks and Recreation Board Minutes
Wednesday, September 23, 2020 – 5:30 pm
Virtual Meeting

1. Call to Order and Roll Call

Jan Bilgen, Larry Kachel, Carol McCormick, Bruce Parker, Steve Ryan, Jen Kaina, Matthew Sylvester-Knudtson, Jamie Weigel and Traci Wilson. Absent: Mike Kilar.

Staff: Eric Boettcher, Lorelei Bowen and Michelle Dujardin

Guest: Matthew Schultz*

2. Approval of Parks and Recreation Board minutes of 11-18-2020

Motion by Ryan to accept the minutes of 11-18-2020. Second by Bilgen. Ayes: Jan Bilgen, Larry Kachel, Carol McCormick, Bruce Parker, Steve Ryan, Jen Kaina, Matthew Sylvester-Knudtson, Jamie Weigel and Traci Wilson. Absent: Mike Kilar. No: none, abstain: none

3. Hearing of Citizen Comments:

No formal action will be taken during this meeting, although issues raised may become part of a future agenda. Participants are allotted a 3 minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those issues as designated in the agenda.

Matthew Schultz requested that the smoking ban be added to the January 2021 Park and Recreation Board meeting to discuss groups applying for exception permits, lung health and health equity. Discussion will take place when it is an agenda item

4. Staff Reports

4.a. Directors report

Lake draw down report and updates. Deposit sites are being narrowed down and a meeting with the DNR will take place to discuss. Lake dredging is plan is set to take place by June. A fish habit, burn plan and vegetation plan is set to take place in preparation for the lake refill. The water siphons will act as a test this winter for the water and dredging plan.

McCormick- Will there be a newsletter about lake information

Boettcher- A newsletter will go out in January 2021 and the DNR will do a lake update in February 2021 along with a door to door screening to see if properties owners are interested in dredging their shoreline.

4.b. Program Staff Reports

Dujardin- Update on current programs. After School program approximately 10 children per day and are in week two of virtual learning at the armory. The virtual learning program with take a winter break and resume afterwards.

Holiday stockings were delivered today (12/16) and bunny baskets will be the next activity kit in the spring. Park and Rec Facebook page will be posting videos for a count down to Christmas. Each post features a craft/activity with Michelle's horses.

Michelle has been elected secretary of the Whitewater Tourism Board.

Bowen- WAFC update, members are consistently using both pools and online lane registration is going well. Facility has not closed pool or fitness center due to staffing shortage related to COVID-19 since reopening. Fitness center remains slow during this time. Online fitness classes attendance is going well. Mask requirements are being followed by patrons. WAFC requires all members and staff to wear a face covering while in the building/common areas.

WAFC hosted a Santa and Friends socially distanced drive-up and food drive on 12-5. This event was sponsored by the Friends of the WAFC group and the Whitewater Optimist club. Approximately 40 cars came to the event and 145 food items were collected and donated to the Community Space.

5. Considerations

5a. Prime Training LLC. WAFC Proposal

Refer to packet. The WAFC is working to establish an agreement with Prime Training LLC to use space at the WAFC for their physical therapy practice.

Discussion:

Ryan- Support the idea, request to run it by the school board

McCormick- Is he connected with a hospital

No, he is independent

Kaina- Will this be in exchange for their current location

Yes, for their current Whitewater location

Kaina- Consider increasing rent fee. Would the practice be limited to the fitness area office or would they have access to equipment? Insurance concerns. Need for Hold Harmless Statement and city agents named.

Bilgen- Liability needs to be reviewed.

Kachel- Contact Mike Dickson for guidance. If (prime LLC) is using equipment, patients need to be WAFC members.

Bilgen-Request background check on PT (Kurt Champman)

Ryan- is this something we can legally do?

Sylvester-Knudtson- We can sublease according to contract

Kaina- Do we (WAFC) have a noncompete with Mercy Healthcare?

Bilgen- I move to bring back to P&R board a new proposal that has been reviewed by the City Attorney and includes review of the discussion points and concerns brought forth tonight.

Kachel-Seconded

7. Request for Future Agenda Items

Bilgens- Communication plan for lake

8. Adjournment

Motion by Bilgen to adjourn at 6:40 pm. Second by Kachel. Ayes: Jan Bilgen, Larry Kachel, Jen Kaina, Carol McCormick, Bruce Parker, Steve Ryan, Matthew Sylvester-Knutson, Jaime Weigel, Traci Wilson
Absent: Mike Kilar Noes: None. Abstain: None.

Next scheduled meeting: Wednesday January 20th 2021

Respectfully submitted,

Lorelei Bowen



Council Agenda Item

Meeting Date: Tuesday, February 2, 2021

Agenda Item: Staff Report: Whitewater Arts Alliance Presentation

Staff Contact (name, email, phone): Eric Boettcher, eboettcher@whitewater-wi.gov, 262-473-0122

BACKGROUND

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

The Whitewater Arts Alliance is a partner organization with the City of Whitewater. The WAA provides a tremendous amount of opportunities for arts and entertainment for the whitewater community. WAA Board Members Kristen Burton and Megan Matthews will present their annual report for 2020 and provide in-site into their programming line-up for the 2021 season.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

FINANCIAL IMPACT

(If none, state N/A)

STAFF RECOMMENDATION

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- 2020 Annual Report Whitewater Arts Alliance (WAA)



2020 Annual Report of the Whitewater Arts Alliance (Report to the membership through October 2020)

The following reflects the activities and statistics of the Whitewater Arts Alliance for the calendar year 2020. These items also address the stipulations of the most recent lease for the White Memorial Building.

The WAA, like many other organizations, was impacted by the Covid-19 induced closures. Fortunately, we were able to use that time to start transferring our upcoming shows into an online format. We are pleased to announce that we did not have to cancel any regional exhibitions in 2020.

1. A minimum of 8 events to engage the community in the arts.

During 2020, there was an exhibit for every month that we were open. Our 2020 exhibitions drew artists from a broad area of southeast Wisconsin.

Our 2020 Exhibitions Included...

February – ThreadBenders Fiber Arts Exhibit

March – The Clay Collective Ceramic Exhibition (In-person and virtual exhibit)

April – Gallery closed due to Covid-19

May – Madison Watercolor Society Online Virtual Exhibition

June – Wisconsin Regional Artists Program (WRAP) Exhibition

July – 11th Annual Fran Achen Photography Exhibition and Competition (In-person and virtual exhibit, a virtual tour of the show was available on the WAA website)

August – Peter Jablokow Watercolor Solo Exhibition

September – A Lasting Impression Metal Design Exhibition

October – Tatijana Jacenkiw Pastel Artist Solo Exhibition (Video highlighting the exhibit and artist was available on the WAA website)

November/December – Annual WAA Members' Exhibition (In-person and virtual exhibit)

Our 2020 Performances/Demonstrations/Other Events Included...

- January** – 2-Day Drawing Workshop with WAA Member, Tom Jewell
- May** – David Williams Watercolor Workshop (*canceled*)
Tom Nachrenier 2-Day Plein Air Workshop (*canceled*)
Debra Hetzel Watercolor Workshop (*canceled*)
- June** – Laurie Goldstein-Warren Dynamic Pouring Painting 3-Day Workshop (*canceled*)
Matt Denney Improv Comedy Virtual Workshop
- July** – *This Modern Love and Other Letters* Theatre Performance
(A “drive-in” performance that featured two artists; guests watched the performance from their cars in the CAC parking lot)
Savory Sounds:
Rose Among Thorns
Lauren Hayes – Harpist
- September** – Live Aluminum Pour in the CAC parking lot

**All canceled events were to ensure our artist/visitor safety during the Covid-19 pandemic. All in-person events followed safety protocols outlined by the city.*

2. Work with other area groups to further develop a climate of creativity and opportunity.

Our strongest partner continues to be the UW-Whitewater College of Arts and Communication and Roberta’s Art Gallery. Their expertise and partnership are incredibly important to WAA programming. We have also worked with the UW-Whitewater College of Business & Economics to increase the number of volunteers we have for gallery hours and internships.

The WAA also partners with Studio 84, Downtown Whitewater, and the Chamber of Commerce.

The art teachers in the Whitewater Unified School District continue to cooperate with us for the annual school district show. This is an enormous commitment of their time as they prepare and install the show. Christine Hayes also continues to assist with bringing music students whenever she can. While we were not able to have the exhibit in 2020 because of COVID-19, we are hopeful that we will be able to have an exhibit in 2021.

The CAC is occasionally used by other civic groups for meetings. This activity was very limited in 2020 due to COVID-19, but we will continue to develop relationships as we move forward.

The WAA annually hosts the WRAP exhibit and sponsors one award at the state level.

3. Increase the number of visitors to the CAC annually.

In 2020 alone, the WAA hosted more than 315 individuals at the CAC for exhibits, Savory Sounds, workshops, and other programs. While this does represent a decrease, the WAA was adamant about taking precautions to keep the Whitewater community safe during the Covid-19 pandemic. We are looking forward to fully re-opening to our usual hours as soon as we are able.

A new way that the WAA engaged audiences this year was through virtual exhibits. For each of the virtual shows we had between 200 and 1000 visitors to our website and we were thrilled!

Our volunteers continue to be the core of our success. They graciously helped with docenting, cleaning, setting up Savory Sounds, installing exhibits, etc., even during uncertain times. We are most grateful to be part of such a supportive community. We will continue our efforts to reach out to our membership and the community for assistance in maintaining our programs and facility.

4. Sponsor the Annual Public Art Project in downtown Whitewater.

The 2020 Public Art Project looked different this year; instead of artwork displayed on light poles, the WAA worked with the city of Whitewater to decorate picnic tables in an outdoor downtown spot. We are eagerly looking forward to a 2021 Public Art Project.

5. Sponsor and stage the annual Fran Achen Photography Contest.

The Annual Fran Achen Photography Exhibition and Competition was held again (in both a physical and virtual format!) and was most successful. We will continue to entice photographers from other communities to exhibit their work as well.

6. Continue to develop and foster partnerships with local artists and regional arts groups.

Please see #2. In addition, the newsletter and website of the WAA promote other galleries in the community. We are also the sponsor of one statewide award for the WRAP Exhibit.

7. Increase the revenues of the WAA each year so that the organization may become self-sustaining.

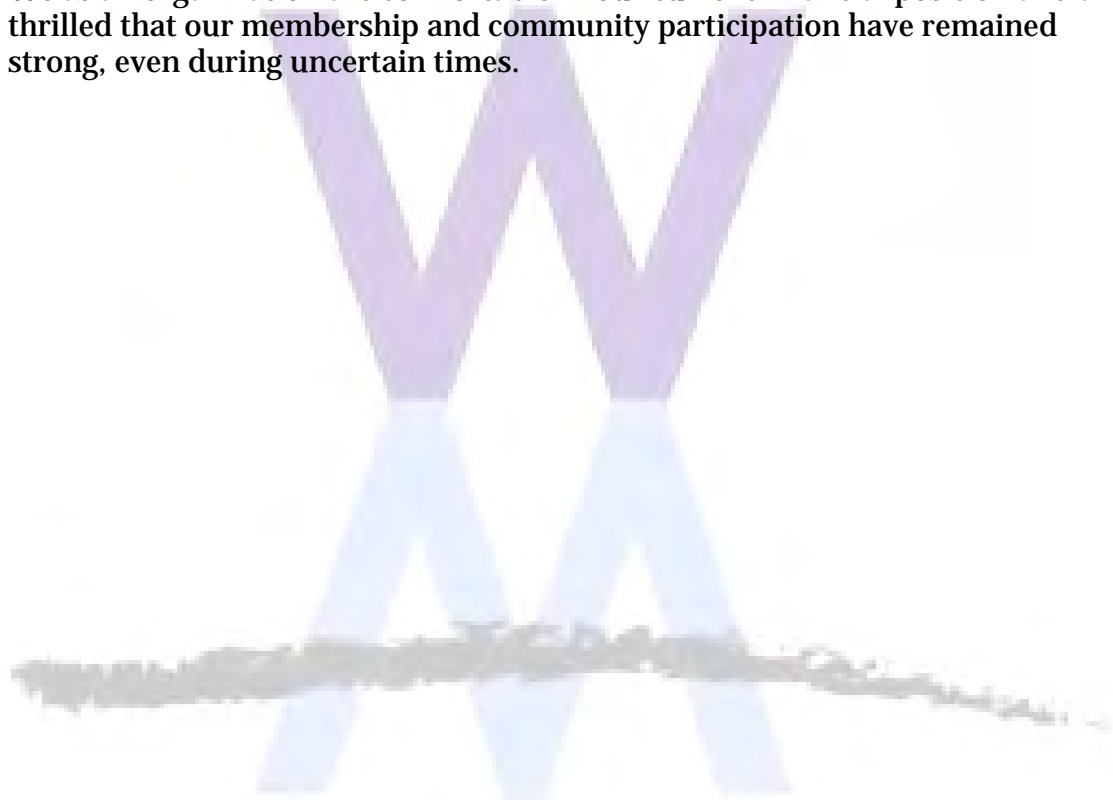
The WAA appreciates the support of the City of Whitewater. Local businesses also continue to support us; and, even though several of our workshops were canceled this year, our members and sponsors continued their support as well. Revenues were negatively impacted for 2020, but the WAA pursued a Cultural Organization Grant from the Wisconsin Department of Administration that helped make up some of the income lost from cancelled workshops.

The WAA had 124 members for 2020. We are pleased that so many artists and arts supporters from the area recognized our value and have joined our organization.

Our gallery manager, Taylor McDarison, took the lead on creating a consignment space for local artists. We are planning to have this shop serve as both a promotional space for local artists, as well as a source of revenue for the WAA.

The Board recently gained new leadership in October with Mark McPhail replacing former President Megan Matthews. We are excited to welcome Mark onto the Board and welcome his new ideas.

We as an organization are comfortable in our current financial position and are thrilled that our membership and community participation have remained strong, even during uncertain times.





Common Council Agenda Item

Meeting Date:	February 2, 2021
Agenda Item:	Call of 2010 Build America Bonds (BAB)
Staff Contact (name, email, phone):	Steve Hatton, shatton@whitewater-wi.gov , 262-473-1380

BACKGROUND

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

The City issued Build America Bonds in 2010 to finance capital projects in the City and Tax Increment Districts (TIDs). In July 2020, the remaining City portion of these bonds were refinanced and the TID #6 balance was called and repaid early. TID #4 has a \$2,060,000 remaining principal balance with repayment terms that continue until 2029. As TID#4 will have adequate cash to retire this balance in 2021, it is beneficial to retire these bonds early.

In order to call the remaining bonds, the Common Council will need to approve a resolution to exercise the call option.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

1/26/2021 Finance Committee recommended Common Council approval of resolution to exercise call option.

FINANCIAL IMPACT

(If none, state N/A)

Calling the remaining bonds will save > \$60,000 in interest.

STAFF RECOMMENDATION

Move approval of the Resolution Authorizing the Redemption of the City's Taxable General Obligation Community Development Bonds (Build America Bonds – Direct Payment), Dated February 9, 2010.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. 2010 BAB Call Resolution.

Resolution No. _____

RESOLUTION AUTHORIZING THE REDEMPTION OF
THE CITY'S TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT
BONDS (BUILD AMERICA BONDS - DIRECT PAYMENT),
DATED FEBRUARY 9, 2010

WHEREAS, the City of Whitewater, Walworth and Jefferson Counties, Wisconsin (the "City") has issued its Taxable General Obligation Community Development Bonds (Build America Bonds - Direct Payment), dated February 9, 2010 (the "2010 Bonds"); and

WHEREAS, the outstanding 2010 Bonds are currently callable; and

WHEREAS, the City Council has determined that it is necessary and desirable to apply funds on hand from Tax Incremental District No. 4 and funds on hand (to the extent necessary) to redeem the 2010 Bonds on March 8, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that:

Section 1. Call of the 2010 Bonds. The 2010 Bonds shall be called for redemption on March 8, 2021, at the price of par plus accrued interest to the date of redemption. The City shall provide sufficient funds for such redemption to Associated Trust Company, National Association, the fiscal agent of the City with respect to the 2010 Bonds (the "Fiscal Agent") prior to March 8, 2021.

Section 2. Call Notice to Depository. The City Clerk, in conjunction with Ehlers & Associates, Inc. ("Ehlers"), shall direct the Fiscal Agent to cause timely notice of the call of the 2010 Bonds to be given by providing a notice thereof, in substantially the form attached hereto as Exhibit A, by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the registered owner at least thirty days nor more than sixty days prior to March 8, 2021.

Section 3. Additional Notice. In addition to the official notice of redemption provided for in Section 2, the City Clerk, in conjunction with Ehlers and the Fiscal Agent, shall cause further notice of the redemption of the 2010 Bonds to be provided to the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access System. Further notices of redemption shall contain the information set forth in the Notice of Call provided on Exhibit A.

Adopted and recorded this 2nd day of February, 2021.

City Manager

ATTEST:

City Clerk

(SEAL)

EXHIBIT A

NOTICE OF FULL CALL*

CITY OF WHITEWATER
WALWORTH AND JEFFERSON COUNTIES, WISCONSIN
TAXABLE GENERAL OBLIGATION COMMUNITY DEVELOPMENT BONDS
(BUILD AMERICA BONDS - DIRECT PAYMENT)
DATED FEBRUARY 9, 2010

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called for prior payment on March 8, 2021 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
12/01/2021	\$195,000	5.00%	966204KB4
12/01/2022	205,000	5.10	966204KC2
12/01/2023	210,000	5.25	966204KD0
12/01/2024	220,000	5.40	966204KE8
12/01/2025	230,000	5.55	966204KF5
12/01/2026	235,000	5.70	966204KG3
12/01/2027	245,000	5.80	966204KH1
12/01/2028	255,000	6.00	966204KJ7
12/01/2029	265,000	6.05	966204KK4

Upon presentation and surrender of said Bonds to Associated Trust Company, National Association, Green Bay, Wisconsin, the registrar and fiscal agent for said Bonds, the registered owners thereof will be paid the principal amount of the Bonds plus accrued interest to the date of prepayment.

Said Bonds will cease to bear interest on March 8, 2021.

By Order of the
City Council
City of Whitewater
City Clerk

Dated _____

* To be provided to Associated Trust Company, National Association at least thirty-five (35) days prior to March 8, 2021. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to March 8, 2021 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.



Common Council Agenda Item

Meeting Date:	February 2, 2021
Agenda Item:	2020 Budget Amendment 2
Staff Contact (name, email, phone):	Steve Hatton, shatton@whitewater-wi.gov , 262-473-1380

BACKGROUND

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

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

The following amendments to the 2020 Budget have been identified for approval and are highlighted on the attached schedule.

The General Fund is anticipated end 2020 with a surplus of revenues over expenditures. The City maintains separate special purpose funds to help monitor and plan for specific aspects of city operations. Staff is recommending that a portion of the 2020 surplus be transferred to several of these special revenue funds to ensure their stability and solvency. The remaining surplus will remain in the General Fund to improve the Unassigned Fund Balance and benefit the city's liquidity and credit profile.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- 12/10/2000 Finance Committee recommended approval of 2020 Budget Amendment #1
- 12/15/2020 Common Council approved Budget Amendment #1
- 1/26/2021 Finance Committee recommended approval of 2020 Budget Amendment #1

FINANCIAL IMPACT

(If none, state N/A)

The Budget amendment will change budgeted values and authorizes the resulting transfers.

STAFF RECOMMENDATION

Move approval of 2020 Budget Amendment # 2 as presented.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. 2020 Budget Amendment #2.pdf

2020
BUDGET AMENDMENT RESOLUTION NO 2

WHEREAS, the Common Council of the City of Whitewater adopted a Budget Resolution for 2020 on November 19, 2019, setting forth the detailed estimates of revenues and expenditures required for the various purposes performed by the City,

AND WHEREAS, it is anticipated that the 2020 General Fund Budget year will result in a surplus of revenues over expenditures, additional transfers to special revenue funds are beneficial to the City's financial planning;

AND WHEREAS, several items have been identified that require correction;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following budget changes are authorized:

Account	Description	Original Budget Value	Amended Budget Value	Change (\$)	Comment
100-59220-926	TRANS TO FD 216 PD VEHICLE REV	45,000.00	95,000.00	50,000.00	To enable replacement of one squad car in 2021
216-43355-52	GENERAL FUND TRANSFER	45,000.00)	(95,000.00)	(50,000.00)	To reflect increased transfer from General Fund
100-59220-918	TRANS TO FD 230 RECYLING	397,890.00	407,890.00	10,000.00	To adjust for recycling rate increase in 2020 and improve Fund Balance
230-43355-53	GENERAL FUND TRANSFER	(397,890.00)	(407,890.00)	(10,000.00)	To reflect increased transfer from General Fund
100-59220-913	TRANS IN/OUT-OTHER FUNDS	-	8,500.00	8,500.00	To improve Fund 248 Fund Balance
248-43355-53	GENERAL FUND TRANSFER	-	(8,500.00)	(8,500.00)	To reflect transfer from General Fund
100-59230-990	TRANS TO FD 300 DEBT SERVICE	29,607.12	970,286.75	40,679.63	To improve Fund 300 Fund Balnce
300-49290-00	TRANSFER FROM GENERAL FUND	-	(40,679.63)	(40,679.63)	To reflect transfer from General Fund
100-59240-945	TRANS TO FD 452 BIRGE FOUNTAIN	1,000.00	2,500.00	1,500.00	To improve Fund 452 Fund Balnce
452-43355-57	GENERAL FUND TRANSFER	(1,000.00)	(2,500.00)	(1,500.00)	To reflect increased transfer from General Fund
200-43355-55	TRANSFER FROM OTHER FUNDS	-	23,000.00	23,000.00	To correct omitted receipt of Fund 900 transfer
440-41320-57	PILOT/DEVELOPER'S AGREEMENTS	32,171.00	18,751.00	(13,420.00)	To correct transposed values in 2020 Amendment #1
		<u>61,778.12</u>	<u>971,358.12</u>	<u>9,580.00</u>	

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

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

AYES: _____ NOES: _____ ABSENT: _____

ADOPTED: _____

City Manager

City Clerk



Common Council Agenda Item

Meeting Date:	February 2, 2021
Agenda Item:	No Smoking/Vaping in Parks Ordinance
Staff Contact (name, email, phone):	Cameron Clapper, cclapper@whitewater-wi.gov , 473-0104

BACKGROUND

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

Councilmember Mathew Shulgit has requested that this ordinance be brought forward for consideration at this time.

On April 24, 2019, the Parks & Recreation Board made a recommendation to the Common Council to pass an ordinance prohibiting smoking and vaping in public parks except within designated areas.

On May 21, 2019, after considerable discussion, the Common Council voted to not pass the ordinance.

Minutes from the May 21, 2019 meeting read as follows:

FIRST READING OF ORDINANCE PROHIBITING SMOKING AND VAPING IN CITY PARKS

As directed by the Council, Parks Director Boettcher took the proposed ordinance relating to smoking / vaping in city parks to the Parks and Recreation Board for further review and discussion. Changes proposed by the Parks Board suggested having designated smoking areas, with an understanding that exemptions could be made during special events. Boettcher indicated that signage would be coined in a positive, non-offensive tone, asking to please not smoke or vape. Long-time 4th of July Committee member Blake Scharine indicated that the ordinance is discriminatory, and would create a division among people. Scharine noted that alcohol is far more intrusive than smoking. He disagrees with the concerns about effect on health of bystanders. David Saalsa, business owner at 186 W. Main Street, has concerns about lack of participation in Parks and events in the City, and has concerns that prohibiting smoking would make the problem worse. Saalsa questioned how this would be enforced. Councilmember McCormick, who serves as Council representative to the Parks Board, indicated the Parks Board had lengthy discussions relating to all scenarios, and this would be self-policed. She expressed concern over the trend of vaping, particularly as it relates to young people. Councilmember Allen indicated he could not support this ordinance. Councilmember Binnie expressed appreciation to the Parks Board, but had hoped for a less restrictive proposal. He provided statistics relating to smoking and mentioned that the city's POLCO surveying software had completed a survey. Results of the survey did not support the ban. It was moved by Schulgit and seconded by McCormick to approve the proposed ordinance. Councilmember Schulgit had completed some research and noted that perhaps there could be liability for those who did not take measures to prohibit these vices. [ordinance language inserted]. Ordinance introduced by Council Member Schulgit. Seconded by Councilmember McCormick. AYES: Schulgit, McCormick. NOES: Singer, Binnie, Brown, Palmer, Allen. ABSENT: None. MOTION FAILS.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

Wednesday, April 24, 2019 – Parks and Recreation Board recommends ordinance to Common Council.

Tuesday, May 21, 2019 – Common Council motion to approve the ordinance fails.

FINANCIAL IMPACT

(If none, state N/A)

None.

STAFF RECOMMENDATION

Staff has no formal recommendation at this time. Staff continues to be supportive of a ban on smoking and vaping in public parks.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Proposed ordinance.
-

ORDINANCE No. _____
AN ORDINANCE PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS

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

SECTION 1. Whitewater Municipal Code Chapter 8.36, Section 8.36.015, is hereby created to read as follows:

8.36.015 – Smoking and Vaping in Public Parks.

(a) Smoking and Vaping Prohibited. To protect the health and comfort of the public, smoking and vaping is prohibited in all public parks under the jurisdiction of the city, except within designated parking areas.

(b) Special Event Exception.

1. An exception for Special Events may be permitted by written approval of the Parks and Recreation Director if he or she decides that an exception is appropriate after considering the following:

- (a) Location, nature and length of the event.
- (b) Potential exposure to smoke or vapor to individuals; especially minors.
- (c) The effect smoking or vaping at the event will have on park users and on neighboring properties.
- (d) Potential for problems with litter.
- (e) Safety concerns.
- (f) The basis of the applicant's request.
- (g) Any benefits that allowing smoking or vaping would bring to the city.
- (h) Any other relevant considerations.

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

Seconded by Council Member _____.

AYES:


NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

	<h2 style="text-align: center;">Council Agenda Item</h2>
Meeting Date:	2021.01.19
Agenda Item:	Ordinance Amendments Related to Term Limits
Staff Contact (name, email, phone):	Cameron Clapper, cclapper@whitewater-wi.gov , 262-473-0104

BACKGROUND

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

Councilmember Allen requested the following ordinance amendments for consideration.

The Common Council has discussed term limits in the past. The topic was brought up most recently during a discussion of the recruitment and appointment policy for citizen members of boards, committees and commissions on December 15, 2020.

City Attorney, Wally McDonell prepared the attached ordinance amendments for consideration.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

No recommendations at this time.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

Ordinance Amending Parks & Recreation Board

Ordinance Amending Term Limits for Boards, Committees and Commissions

ORDINANCE No. _____
AN ORDINANCE AMENDING SECTION 2.52.030 -
REGARDING TERM LIMITS ON THE PARKS AND
RECREATION BOARD

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

SECTION 1. Whitewater Municipal Code Chapter 2.52, Section 2.52.030 is hereby amended by deleting the following language:

Citizen members shall be limited to three consecutive terms and cannot be reappointed as a board member until one three-year term has elapsed.

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

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk

ORDINANCE No. _____
AN ORDINANCE AMENDING SECTION 2.12.011 -
REGARDING TERM LIMITS

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

SECTION 1. Whitewater Municipal Code Chapter 2.12, Section 2.12.011 is hereby amended by adding Subsection 2.12.011 (c) which shall read as follows:

- (c) Unless otherwise specified by city ordinance or state statutes, no member of a board, committee or commission shall serve more than two consecutive 5-year terms or two consecutive 4-year terms or three consecutive 3-year terms as applicable for that board, committee or commission. An incumbent may continue to serve beyond this period, until their replacement has been duly appointed. An appointment to fill a partial term shall not count in the limits specified above.

Unless otherwise specified by city ordinance or state statutes, an individual who has been replaced as a result of the maximum service limits shall be eligible for reappointment after they have been off the board, committee or commission for a minimum of one year. This subsection shall not apply to City Council members.

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

Seconded by Council Member _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk



Council Agenda Item

Meeting Date: February 2, 2021

Agenda Item: Virtual Meetings Discussion

Staff Contact (name, email, phone): Cameron Clapper, cclapper@whitewater-wi.gov, 262-473-0104

BACKGROUND

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

On August 4, 2020, the common council acted to continue with virtual meetings for all committees until action is taken to allow committees to meet in-person. In the meantime, the common council would place the item on the agenda for discussion at every other meeting.

While the Municipal Building remains open to the public, all employees are now operating under a modified schedule in order to reduce the risk of exposure to the virus causing COVID-19 between co-workers. Most employees are required to work remotely for at least two days per week. It is expected that employees will continue operating under modified schedules for the duration of our declared emergency.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

At this time, city staff recommends continuing with virtual meetings.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

None.



Common Council Agenda Item

Meeting Date: February 2, 2021

Agenda Item: Agreement with Bird Scooter, Inc.

Staff Contact (name, email, phone): Cameron Clapper, cclapper@whitewater-wi.gov, 262-473-0104

BACKGROUND

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

City staff members were approached by a representative from Bird Scooter, Inc. (Bird) regarding Bird's interest in providing stand-up electric scooters for use in within the City of Whitewater. Bird would provide a minimum of 100 scooters for use by members of the public. Scooter use would be governed by existing state and local regulations. Bird's business model draws revenue from rental fees paid by users. The City of Whitewater would not be charged for the program. The City of Whitewater would also not receive any revenues from Bird for allowing the company to operate in Whitewater. Additionally, Bird will provide at least one employee to regularly collect and redistribute scooters at specific, approved locations daily.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

None.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Staff generally favors approval of the agreement. Staff will convene for a final review on Tuesday, February 2. Following that review, staff will be prepared to make a firm recommendation.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. Proposed Agreement with Bird Rides, Inc.

Memorandum of Understanding

The City of Whitewater will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until December 31, 2021 unless terminated as set forth below.

AGREEMENT

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within The City of Whitewater's jurisdictional boundaries. No person shall deploy a Stand-up electric scooter sharing system in the City of Whitewater in violation of this Agreement.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by City of Whitewater consistent with fines for cyclists.
- 3) Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Stand-up electric scooters will be made available to rent 24 hours per day, under appropriate environmental circumstances.
- 5) Bird Rides, Inc. shall provide a minimum of 100 vehicles at launch.
- 6) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 7) Data sharing: Bird Rides, Inc. will provide data to the City of Whitewater as necessary to assist with monitoring program usage.
- 8) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless City of Whitewater (and City of Whitewater's employees, agents and affiliates) from and against all actions, damages or claims brought against City of Whitewater arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of City of Whitewater's (or City of Whitewater's employees', agents' or affiliates') negligence or willful misconduct. City of Whitewater expressly acknowledges that in no event shall Bird Rides, Inc. be liable for any special, indirect, consequential or punitive damages. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by the City of Whitewater's negligent construction or maintenance of public infrastructure. City of Whitewater's right to indemnification shall be contingent on City of

Whitewater notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Ride, Inc. shall have sole control of any defense; City of Whitewater shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Ride, Inc.

9) Insurance: Bird Rides, Inc. shall provide City of Whitewater with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City / County, Workers' Compensation coverage of no less than the statutory requirement.

10) Notices: All notices and communications to the City of Whitewater from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.

11) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.

12) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

13) This agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin.

City of Whitewater, Wisconsin

Bird Rides, Inc.

Signed By:

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Email: _____

Email: birdlegal@bird.co

