

Whereas, communities are forced to rely on property taxes and flat or declining state aid to pay for critical local services that residents and businesses need; and

Whereas, state sales and income tax revenues have tripled in the last 30 years, but the share of those taxes going to support police, fire, EMS, and other local services has gone DOWN; and

Whereas, over the last 20 years, state aid for police, fire and other critical services has steadily declined in real dollars, while inflation has caused average prices to increase by 51 percent. (The funding level for County and Municipal Aid in 2003 was \$938,529,507. Today, it is \$753,032,613); and

Whereas, County and Municipal Aid payments to the City of Whitewater has dropped from \$4,316,975 in 2003 to \$3,297,178 in 2022; and

Whereas, the steady decline in the state's contribution to the cost of critical local services has forces communities to rely more heavily on property taxes to maintain police, fire, and EMS service levels; and

Whereas, the over reliance on property taxes to pay for critical local services must end; and

Whereas, to compete globally, Wisconsin needs to develop and maintain quality communities that can attract and retain talent and enterprise and spur job creation; and

Whereas, for local communities to flourish and the state's economy to grow, state and local leaders must work collaboratively; and

Whereas, Local governments need reliable, growing, sustainable, and diverse sources on revenue to continue to deliver police, fire protection, ambulance services and safe streets now and into the future.

Now, Therefore, Be It Resolved, that the City of Whitewater urges the Legislature and the Governor to work collaboratively with the League of Wisconsin Municipalities, Wisconsin Counties Association, Wisconsin Towns Association, other local government leaders, and business leaders to create a better way of funding local governments that includes revenue options other than property taxes to continue delivering police, fire, EMS, and other critical services.

Resolution introduced by Councilmember Allen, who moved its adoption. Seconded by Councilmember Brown. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Smith. NOES: None. ABSENT: None. ADOPTED: January 17, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

FIRST READING OF ORDINANCE REPEALING SECTION 2.70.010, CITY EMPLOYEE MANUAL. City Manager Weidl stated that the first step in the process of changing from an employee manual to a policy structure is to repeal the ordinance requiring an employee manual. **Majkrzak moved to repeal the ordinance section 2.70.010.** Allen stated that he thinks there should be a new ordinance before repealing the current one. He said that this is a big topic and wondered if it should wait for the new Council to be seated. Smith asked for clarification as to whether repealing the ordinance would repeal the physical employee manual, not remove all of the policies previously approved. Smith thought it would just allow for the flexibility of a digital version.

Weidl indicated Smith was correct. If the Council wants an employee manual, Weidl said that it could be done, but steps had been previously taken by prior administration to move toward a policy structure. Weidl noted there are a series of policies that are being enforced, and the employee manual is not up to date. Councilmember Allen agreed that an electronic version would be acceptable.

Councilmember Gerber asked whether the policies will still be enforced if the ordinance is repealed. Weidl concurred they would. He stated that later on the agenda there is an item regarding the proposed governance policy, which is also being worked on. This is the policy which guides how policies are created.

Councilmember Gerber said that if there are two different policies, why had nothing come to Council previously, to update the policies. Weidl stated that the City has an out of date manual, but up to date policies that reflect the intention of the manual. Weidl said this is what the Council asked for. Gerber said that the policies, except for possibly three, have not been updated; they were merely transferred to an electronic version. Gerber questioned why the Council would repeal something that was not changed.

Councilmember Allen asked whether this is something Human Resources has been working on. Weidl responded that the project has been ongoing for about one and a half years. He noted that the policies are being used, and the governance policy guides that. Gerber asked why both can't be updated, and then the Council choose one option. Councilmember Schreiber asked what the difference between the manual and the policies is. Weidl indicated that they are essentially the same information.

Councilmember Schreiber asked whether the policies have been updated. Weidl said that some have. He indicated that the staff will create based on whatever direction the Council would like to go. He indicated that staff should go back and make sure everything is up to date. Weidl opined that it was not the best use of staff time to update both the manual and policies, and subsequently choose one. Weidl requested that a direction be chosen first. Allen said that it makes sense to take what we have and make it electronic. Weidl responded that they are already electronic and accessible to the employees.

Councilmember McCormick suggested the formation of a policy committee to review and streamline them. **Brown seconded the motion to repeal the ordinance.** Attorney Wallace McDonell said that this repeals the document called the "employee manual", so that it will not be a governing document imposed by the Common Council via ordinance. After ordinance repeal, there will be a second action by the Council to repeal the manual as it relates to the administrative aspect. Weidl stated that everything in the employee manual is in the policy structure with some additional policies that do not apply to every employee. Allen asked if changes will come to Council. Weidl said that they would. AYES: McCormick, Smith, Majkrzak. Brown, Schreiber, Gerber, Allen. NOES: None. ABSENT: None.

DUTIES OF A COMMUNITY DEVELOPMENT AUTHORITY; CDA FUNCTIONS; AND LEADERSHIP OF CDAs. Kristin Fish-Peterson of Redevelopment Resources presented a short description of Community Development Authorities (CDAs). She explained that a CDA is a separate body for the purpose of carrying out blight elimination, slum clearance, urban renewal projects and housing projects. A CDA combines the functions of a housing authority and a redevelopment authority. It is comprised of seven residents, usually five residents and two Common Council members, who have experience and ability in urban renewal, development and housing. A CDA can prepare, carry out, acquire, lease and operate housing projects approved by the council, and provide for the construction, reconstruction, improvement, alteration or repair of a housing project.

A CDA acts as agent for a government in connection with the acquisition, construction, operation or management of a housing project. A CDA may acquire property through eminent domain. A CDA can own and sell property, invest funds, sue and be sued, prepare plans for redevelopment and urban renewal

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Whitewater that the following changes to budgeted revenues and expenditures are authorized:

Targeted Transfers of 2022 Surplus	Targeted Transfer 2023	Budgeted Transfer 2023A	Est. 2023 Fund Balance 2023A	Proposed 2022 Transfer 2023A	Comment
260 - Sick Leave Severance Fund	55,000	55,000	(18,888)	18,888	Correct projected 2023 deficit fund balance
216 - PD Vehicle Fund	60,000	38,270	13,923	21,730	Achieve target 2023 funding
217 - Building Repair Fund	25,000	15,000	34,419	10,000	Achieve target 2023 funding
280 - Street Maintenance Fund	185,000	8,035	137,819	176,965	Achieve target 2023 funding
214 - Elections Fund	25,000	25,000	(5,926)	5,926	Correct deficit fund balance
220 - Library Fund	485,000	470,000	427,117	15,000	Achieve target 2023 funding
450 - Projects Fund	50,000	-	53,887	46,491	Effigy Mounds, Strategic Planning, Cyber Security
295 - PD Trust	-	-	101,673	5,000	Immigration Legal support
	<u>1,512,000</u>	<u>1,418,180</u>		<u>300,000</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 Allen who moved its adoption. Seconded by Councilmember Schreiber. AYES: McCormick, Schreiber, Brown, Gerber, Majkrzak, Allen, Dawsey Smith. NOES: None. ABSENT: None. ADOPTED; February 7, 2023.

John S. Weidl, City Manager

Michele R. Smith, City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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