



## CITY OF BURLINGTON

Administration Department  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 - (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

### AGENDA COMMITTEE OF THE WHOLE

Tuesday, January 16, 2018

6:30 p.m.

Common Council Chambers, 224 East Jefferson Street

Mayor Jeannie Hefty  
Susan Kott, Alderman, 1st District  
Edward Johnson, Alderman, 1st District  
Bob Grandi, Alderman, 2nd District  
Ruth Dawidziak, Alderman, 2nd District  
Tom Vos, Alderman, 3rd District  
Jon Schultz, Council President, Alderman, 3rd District  
Thomas Preusker, Alderman, 4th District  
Todd Bauman, Alderman, 4th District

**Student Representatives:**

Gabriel King, Burlington High School  
Jack Schoepke, Burlington High School

1. **Call to Order - Roll Call**

\*Prior to tonight's Call to Order for the Committee of the Whole meeting, Officer Matthew Barrows is scheduled to be sworn in as a Sergeant for the City of Burlington Police Department.

2. **Citizen Comments**

3. **Approval of Minutes** (*B. Grandi*)

A. Approval of the December 19, 2017 Committee of the Whole Meeting Minutes.

4. **PRESENTATIONS:**

A. Presentation of the Burlington Business Toolbox created by the Downtown Strategic Plan Design & Profile Committee.

B. Emerald Ash Borer Plan Update

5. **DISCUSSION:**

A. A discussion regarding an expansion to the Burlington Area Manufacturing and Office Park.

6. **RESOLUTIONS:**

A. **Resolution 4875(33)** - to consider approving a Letter of Engagement from Sitzberger for 2017 Audit Services.

- B. **Resolution 4876(34)** - to consider approving the award of bid for 10 Electronic Control Devices, 20 holsters, and a 5-year supply of training and duty cartridges and batteries for the City of Burlington Police Department to Axon Enterprise, Inc. in the amount of \$21,432.36.
- C. **Resolution 4877(35)** - to consider approval of a Certified Survey Map for property located at 100 S. Dodge Street and 124 S. Dodge Street.
7. **ORDINANCES:**
- A. **Ordinance 2031(8)** - to consider an approval of a Rezone Map Amendment request for property located at 100 S. Dodge Street and 124 S. Dodge Street from B-1 District and M-1 District to B-2 District.
8. **MOTIONS:** There are none.
9. **ADJOURNMENT** (R. Dawidziak)

*Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.*



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 3A**

---

**DATE:** January 16, 2018

**SUBJECT:** Committee of the Whole Minutes for December 19, 2017.

**SUBMITTED BY:** Diahnn Halbach, City Clerk

---

**BACKGROUND/HISTORY:**

The attached minutes are from the December 19, 2017 Committee of the Whole meeting.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the attached minutes from the December 19, 2017 Committee of the Whole meeting.

**TIMING/IMPLEMENTATION:**

This item is scheduled for final consideration at the January 16, 2018 Common Council meeting.

---

**Attachments**

COW Minutes

---



City Clerk  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 - (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Tuesday, December 19, 2017**

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to Order on Tuesday, December 19, 2017 at 6:30 p.m. starting with Roll Call. Present: Kott, Johnson, Grandi, Dawidziak, Vos, Schultz, Preusker, Bauman. Excused: None.

Student Representatives Present: Gabriel King. Excused: Jack Schoepke.

Also present: City Administrator Carina Walters, City Attorney John Bjelajac, Director of Finance Steve DeQuaker, Police Chief Mark Anderson. Also in attendance: Gregory Governatori, Kapur and Associates.

2. **Citizen Comments** - There were none.

3. **Approval of Minutes**

A motion was made by Alderman Grandi with a second by Alderman Vos to approve the December 5, 2017 Committee of the Whole meeting minutes. With all in favor, the motion carried.

4. **RESOLUTIONS:** There were none.

5. **ORDINANCES:** There were none.

6. **MOTIONS:**

**A. Motion 17-888** - to approve a Separation Agreement, Waiver and Release between the City of Burlington and City of Burlington Police Department Dispatch Employee, Colleen Schwochert.

**B. Motion 17-889** - to approve a Separation Agreement, Waiver and Release between the City of Burlington and City of Burlington Police Department Dispatch Employee, Lauri Gatto.

**C. Motion 17-890** - to approve a Separation Agreement, Waiver and Release between the City of Burlington and City of Burlington Police Department Dispatch Employee, Nadine Bogusz.

Mayor Hefty introduced Motions 17-888, 889, and 890. Walters explained to council that approval of the separation agreements is the final step in the consolidation process. There was no further discussion.

**D. Motion 17-891** - to consider approving an Airport Hangar Lease with the Burlington Development Group for 701 Airport Road at the Burlington Municipal Airport.

Mayor Hefty introduced Motion 17-891. Alderman Preusker questioned the slight increase in the lease amount compared to other airport leases and asked if this was a renewal. Alderman Bauman confirmed that there was a nominal increase in the lease renewal. There was no further discussion.

7. **ADJOURNMENT**

A motion was made by Alderman Dawidziak with a second by Alderman Grandi to adjourn the meeting.  
With all in favor, the meeting was adjourned at 6:35 p.m.

Minutes respectfully submitted by:

---

Diahnn C. Halbach  
City Clerk  
City of Burlington



---

**COMMITTEE OF THE WHOLE****ITEM NUMBER 4A**

---

**DATE:** January 16, 2018**SUBJECT:** Presentation of the Burlington Business Toolbox created by the Downtown Strategic Plan Design & Profile Committee**SUBMITTED BY:** Megan Watkins, Director of Administrative Services

---

**BACKGROUND/HISTORY:**

As part of the Downtown Strategic Plan initiatives, the Design Committee was charged with the development of a “how to” guide to help business and property owners navigate City policies, procedures and financial incentives to assist with starting and/or expanding a business.

The Design Committee which is comprised of a group of aldermen, business owners, brokers, developers, real estate professionals and other community members that met several times to examine relevant materials from other municipal entities, communicate desired recruitment targets and priorities from the gap analysis and downtown strategic plan, identify outstanding concerns from business owners regarding starting and/or expanding businesses, and identify available financial assistance.

Out of these meetings, a comprehensive document combining all of the elements above was created based on feedback from the Design Committee, as well as city staff and community members. The Burlington Business Toolbox provides current and perspective property owners access to local, regional, and state resources to assist with jump-starting a new business, expanding an existing company, and supporting business relocation. The Business Toolbox is designed to provide an understanding of the different facets involved in opening a business within the City and ensure a business owner is on the right path to success.

The toolbox will be featured on the City’s website, as well as provided electronically and in print to area real estate professionals, developers and financial institutions.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

For discussion only.

**TIMING/IMPLEMENTATION:**For discussion only at the January 16, 2017 Committee of the Whole meeting.

---

**Attachments**Burlington Business Toolbox

---



# Burlington Business Toolbox



Starting and Growing Your Business  
in the City of Burlington

# Table of Contents

- Why Burlington?.....2
- Starting a Business?.....3
- Contact the Burlington Area Chamber of Commerce.....3
- Site Selection.....4
- Business Advisory, Mentors and Counseling in Wisconsin.....4
- Financing and Incentives.....5
- Tax Credit Partnerships.....5
- Business Checklist.....6
- Owning a Building in the Downtown Historic Preservation District.....7
- Who Do I Contact?.....8
- Navigating City Process.....9
- Typical Meeting Dates and Timelines.....10
- Property Rezone Requests.....11
- Site Plan Review.....12
- Certificate Of Appropriateness.....13
- Conditional Use Permits.....14
- Liquor License Procedures.....15
- Zoning.....16

# Why Burlington?

Our location along the White and Fox Rivers established the City as a commercial hub for western Racine County. Today, our central location between Milwaukee and Chicago in southeastern Wisconsin continues to draw businesses and people. Our thriving community of over 300 businesses includes a variety of large and small companies, including Nestle, Aurora Healthcare, Echo Lake Foods, Lavelle, LDV and many others.

Downtown historic Burlington is the heart of the city and an exciting destination for residents and visitors alike. This walkable community is filled with visitors, residents, students, and business professionals who contribute to the city's positive energy. Historic downtown Burlington has become a sought-after location for young professionals and families to live and work.

From the Midwest headquarters of Nestle Chocolate, to the many "mom and pop" retail and service businesses that occupy Burlington's historic downtown, there is a wide diversity of commercial operations, outlying shopping centers and big box stores. The enhancement of the riverfront, improved traffic flow, a newly built parking structure downtown, local art fairs, weekly farmers market, sidewalk celebrations, festivals, live music and a historic downtown business district will make shopping and doing business in Burlington both inviting and personal.

Burlington is brimming with opportunity for growing businesses. In total there are ten major highways passing through the Burlington area, as well as the Canadian National Railway. Coupled with Burlington's convenient location midway between Milwaukee and Chicago, businesses in Burlington will find an array of options for transporting goods and services to a broad base of clientele.

The city's two major business parks – Burlington Industrial Park and Burlington Manufacturing & Office Park – span more than 150 acres, and the Burlington Manufacturing & Office Park is expanding to welcome even more business. Burlington provides a streamlined application and approval process for new development and works with the Racine County Economic Development Corporation to offer expert assistance in helping new and expanding businesses.

Burlington offers something for everyone with its historic downtown, national retailers, top-notch infrastructure, thriving neighborhoods, award-winning schools and two business parks, all making Burlington a highly desired place to live, work, and play.



# Starting a Business?

The City of Burlington works with the Racine County Economic Development Corporation which specializes in creating partnerships between government, business and community interests to promote job creation and long term business investment. A team of economic development professionals applies its skills to each business opportunity, providing technical expertise on federal, state and local programs and resources, as well as the coordination necessary to bring an opportunity to reality. RCEDC provides information on loan programs available through the U.S. Small Business Administration and administers Small Business Financing for Racine County. With a streamlined application and approval process for new development and redevelopment, your new business is more approachable than ever!

## Programs and RCEDC Contact Information:

- New Business Development: 262-898-7424, [jtrick@racinecountyedc.org](mailto:jtrick@racinecountyedc.org)
- Existing Business Development: 262-898-7530, [lmillion@racinecountyedc.org](mailto:lmillion@racinecountyedc.org)
- Entrepreneurial Development: 262-898-7404, [kniemiec@racinecountyedc.org](mailto:kniemiec@racinecountyedc.org)
- Business Financing: 262-898-7420, [cengel@blp504.org](mailto:cengel@blp504.org)
- Workforce Development: 262-638-6603, [Valerie.hanson@goracine.org](mailto:Valerie.hanson@goracine.org)
- Community Development: 262-898-7422, [tchitwood@racinecountyedc.org](mailto:tchitwood@racinecountyedc.org)
- Administration and Marketing: 262-898-7432, [rcedc@racinecountyedc.org](mailto:rcedc@racinecountyedc.org)

## Burlington Area Chamber of Commerce

113 E. Chestnut Street  
Suite B  
Burlington, WI 53105

262-763-6044

[burlingtonchamber.org](http://burlingtonchamber.org)

[info@  
burlingtonchamber.org](mailto:info@burlingtonchamber.org)



## Contact the Burlington Area Chamber of Commerce

When you join the Burlington Area Chamber of Commerce, you become a part of an active, concerned group of citizens who work to benefit you, your business and community. Collectively, Chamber members have the resources to deal effectively with matters that confront the Business community, resources that you may not have as an individual.

The Community Development Committee strives to promote communication between Government, Industry, Retail, Education and Community Members and provide regular educational workshops and seminars for our member businesses and their employees.

The Community Marketing and Tourism Committee sponsors and promotes the business sector and community with a variety of special events throughout the year. The objective is to promote and support tourism efforts that lead to future vitality and prosperity in the Burlington Area.

The Treasurer/Planning Committee works on membership, strategic planning, fund-raising, budget and finance. We employ a full time executive staff complimented by a core of volunteers to work with you on a daily basis. The Chamber of Commerce office can keep you and the rest of the world abreast of the continual growth and development Burlington faces daily.

Contact the Burlington Area Chamber of Commerce at 113 E. Chestnut St., Suite B, Burlington, WI 53105, 262-763-6044, [www.burlingtonchamber.org](http://www.burlingtonchamber.org) or [info@burlingtonchamber.org](mailto:info@burlingtonchamber.org).

## Site Selection

Where does it make sense for your business to be? Is it a retail or service business? Does your business rely on high visibility? Or, do you need an office setting?

### Site Selection Tool

The Racine County Economic Development Corporation (RCEDC) offers a site selection tool that aids in the search of commercial and industrial properties. You can find this tool at <http://sites.racinecountyedc.org/>.

### REALTOR Associations

National Association of REALTORS: [www.nar.realtor](http://www.nar.realtor)

Wisconsin REALTOR Association: [www.wra.org](http://www.wra.org)

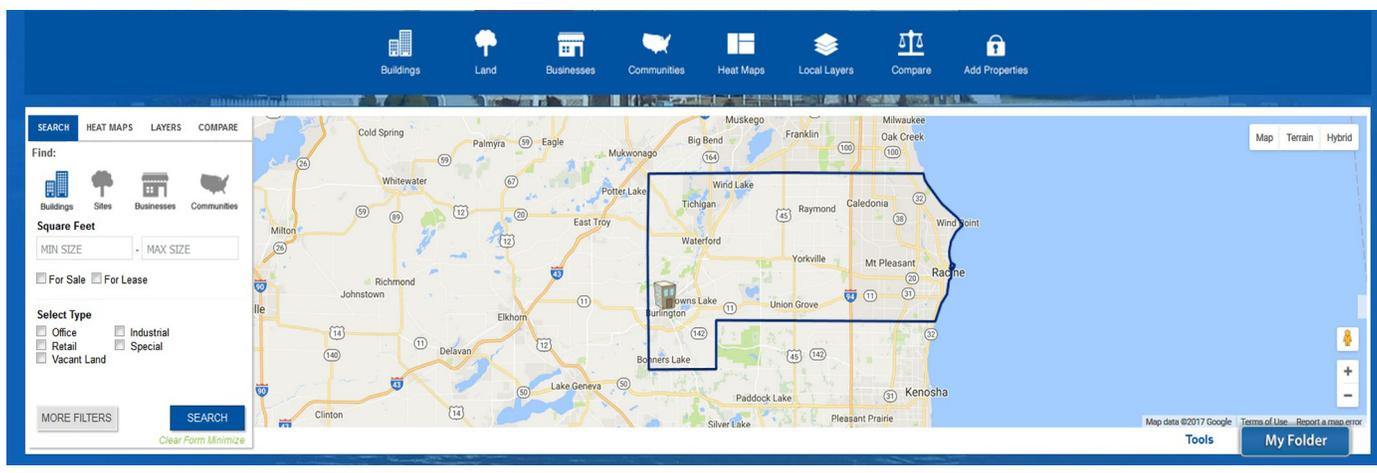
Lakes Area REALTOR Association: [www.lakesrealtors.com](http://www.lakesrealtors.com) or 262-723-6851

### Zoning License

Zoning is about proper use of a property. Zoning laws help preserve property values and ensure communities are functional and safe places. Prior to starting a business, it is recommended to contact the Building Inspector to determine if the property is zoned appropriately for the new use and if the new use will trigger any specific code related improvements. An application for Zoning Certificate of Compliance will be required with the Building Department to register your business and ensure proper zoning. Call the Building Inspector at 262-342-1164 or visit at 300 N. Pine Street, Burlington.

### Conditional Uses

If your project requires a change of use to the property, it is recommended to make an appointment with the Building Inspector to discuss the project, verify any special approvals, or coordinate the sequence of reviews and approvals.



## Business Advisory, Mentors and Counseling in Wisconsin

- The Wisconsin Economic Development Corporation (WEDC) has many programs to help innovators find success to turn your big idea into a viable reality. See more at: <http://inwisconsin.com/entrepreneurs/assistance>
- The Small Business Association (SBA) helps Americans start, build and grow businesses. Through an extensive network of field offices and partnerships with public and private organizations, SBA delivers its services to people throughout the United States. See more at: <https://www.sba.gov/> or call 414-297-3941.
- Service Corps of Retired Executives (SCORE) is a nonprofit association dedicated to educating entrepreneurs on the formation, growth and success of small business nationwide. See more at: [www.score.org](http://www.score.org) or call 414-297-3942.
- The Entrepreneur's Toolkit provides business start-up information and assistance, networking contacts and technical resources. The information caters to individuals interested in starting any type of business including retail, service or technology companies. See more at: <http://wisconsintechcouncil.com/entrepreneurs-toolkit/>
- The Wisconsin Small Business Development Center (SBDC) Network educates state entrepreneurs, beginners and veterans alike through an array of low-cost classes and no-cost confidential counseling. Services can be accessed through the state at 13 University of Wisconsin centers and two specialty centers - the Wisconsin Innovation Service Center and the Center for Innovation and Development. See more at: <http://www.wisconsinbdc.org/> or call 262-595-3363.

## Financing and Incentives

A number of loan programs and other economic incentives are available for businesses in Burlington:

- **Low-Interest Loans:** Business Lending Partners (BLP) administers low-interest loans to finance real estate purchases, renovation, and new construction; sometimes working capital. Financed in partnership with a primary lender. Contact BLP at 262-898-7420.
- **WI Women's Business Initiative Corp. (WWBIC)** administers low-interest loans to purchase machinery, equipment, inventory, and start-up costs. Contact WWBIC at 262-925-2840.
- **Façade Grant Program:** The City has a grant fund for Downtown business and property owners seeking to improve their building facades. The program offers up to \$5,000 in matching funds for qualifying improvements. Contact City Hall at 262-342-1161 or visit [www.burlington-wi.gov](http://www.burlington-wi.gov) for applications.
- **Minority Business Grants:** Up to \$2,500 in grants available to qualifying businesses to offset the costs of employee skills training, technology implementation projects or consulting services. Contact UW-Parkside SBDC at 262-595-3363.
- **Workforce Training Assistance:** Assistance recruiting and training employees. Contact: Workforce Development Center at 262-638-6637.
- **Wisconsin Business Development Finance Corporation (WBD)** is a private, not-for-profit corporation created in 1981 to help Wisconsin businesses gain access to capital. See more at: <https://www.wbd.org/>
- **Impact Seven** is also a not-for-profit statewide, public, nonprofit community development corporation committed to helping Wisconsin companies start, grow and thrive. See more at: <http://www.impactseven.org/>
- **Bank Resources:** Access a searchable database of over 300 Wisconsin banks and savings institutions that includes location, contact information and links. See more at: [http://www.wdfi.org/fi/banks/licensee\\_lists/](http://www.wdfi.org/fi/banks/licensee_lists/)
- Wisconsin provides many programs to help businesses fulfill their growth plans. And to help navigate the options, our Regional Economic Development Directors provide personalized support for the specific needs of your business, coordinating resources from various partner organizations as needed. See more at: <http://inwisconsin.com>
- **BizStarts** exists for the purpose of helping you understand what you need to start or grow your company, to connect you with the proper resources to do it, and to maximize your opportunities for success. See more at: <http://www.bizstarts.com>

## Tax Credit Partnerships

### Federal Historic 20% Tax Credit

A 20% income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service, to be "certified historic structures". The State Historic Preservation Offices and the National Park Service review the rehabilitation work to ensure that it complies with the Secretary's Standards for Rehabilitation. The Internal Revenue Service defines qualified rehabilitation expenses on which the credit may be taken. Owner-occupied residential properties do not qualify for the federal rehabilitation tax credit. Learn more about this credit at <https://www.nps.gov/tps/tax-incentives.htm>.

### State Historic 20% Tax Credit

A 20% State income tax credit is available to owners who rehabilitate their income-producing certified historic structures. This state-wide program is managed and administered by the Division of Historic Preservation and Public History of the Wisconsin Historical Society. Learn more about this credit at <https://www.wisconsinhistory.org/Records/Article/CS3215>.

### Federal 10% Rehabilitation Tax Credit

The 10% rehabilitation tax credit is available for the rehabilitation of non-historic buildings placed in service before 1936. The building must be rehabilitated for non-residential use. In order to qualify for the tax credit, the rehabilitation must meet three criteria: at least 50% of the existing external walls must remain in place as external walls, at least 75% of the existing external walls must remain in place as either external or internal walls, and at least 75% of the internal structural framework must remain in place. There is no formal review process for rehabilitations of non-historic buildings. Learn more about this credit at <https://www.nps.gov/tps/tax-incentives.htm>.

# Business Checklist

## IDENTIFIED A LOCATION FOR MY BUSINESS

- I have visited the Building Inspector to make sure that my plans comply with the zoning ordinance and that the use I intend to give the space is allowed
- I have arranged for the Building Inspector to make sure that my space is up to code

## I WANT TO RENOVATE / ADAPT THE SPACE FOR MY BUSINESS

- I have visited the with my Architect/Contractor to make sure my plans comply with applicable state building code and zoning ordinance
- I have applied for a building permit at City Hall
- I have talked with the Building Inspector about new signage

## MY BUSINESS PROVIDES FOOD SERVICES

- I have called the Health Inspectors at the Central Racine County Health Department to ensure that my plans comply with the State Sanitation Code
- I have called the City Clerk to to apply for a Liquor License or a Beer & Wine License

## BEFORE I OPEN MY BUSINESS

- I have visited the Building Inspector to apply for a Change of Occupancy permit
- I have registered my business with the State of Wisconsin
- I have registered my business with the Internal Revenue Service

## FEDERAL FILING

- Register with the Internal Revenue Service for an Employer Identification Number (EIN) at <https://www.irs.gov/businesses>

## WISCONSIN STATE FILING

- Register with the Department of Revenue at [www.revenue.wi.gov](http://www.revenue.wi.gov) if any of the following apply:
  - Your business entity type is a:
    - Sole proprietorship
    - Non-Wisconsin LLC or corporation
    - Partnership
    - Nonprofit
  - You already registered directly with the Department of Financial Institutions (DFI)
  - You need to register for a motor fuel permit
  - You already hold one or more other permits with the Department of Revenue

OR

- Register with the Wisconsin One Stop Business Portal at <https://openforbusiness.wi.gov>

The Wisconsin One Stop Business Portal is an easy step-through process where businesses can find the requirements and tools they need to start a business in Wisconsin and register your business with multiple agencies, including the Department of Financial Institutions and the Department of Workforce Development. Once you are ready to start your company, One Stop Business Portal is ready to help.

# Owning a Building in the Downtown Historic Preservation District

The Historic Preservation Commission (HPC) works to protect and enhance the downtown historic district in Burlington. The HPC was established in 2000 to safeguard the City's historic and cultural heritage, including stabilization and improvement of property values, enhancement of the City for its residents, businesses and visitors, and to strengthen the City's economy.

## Building Renovation/Rehabilitation Process

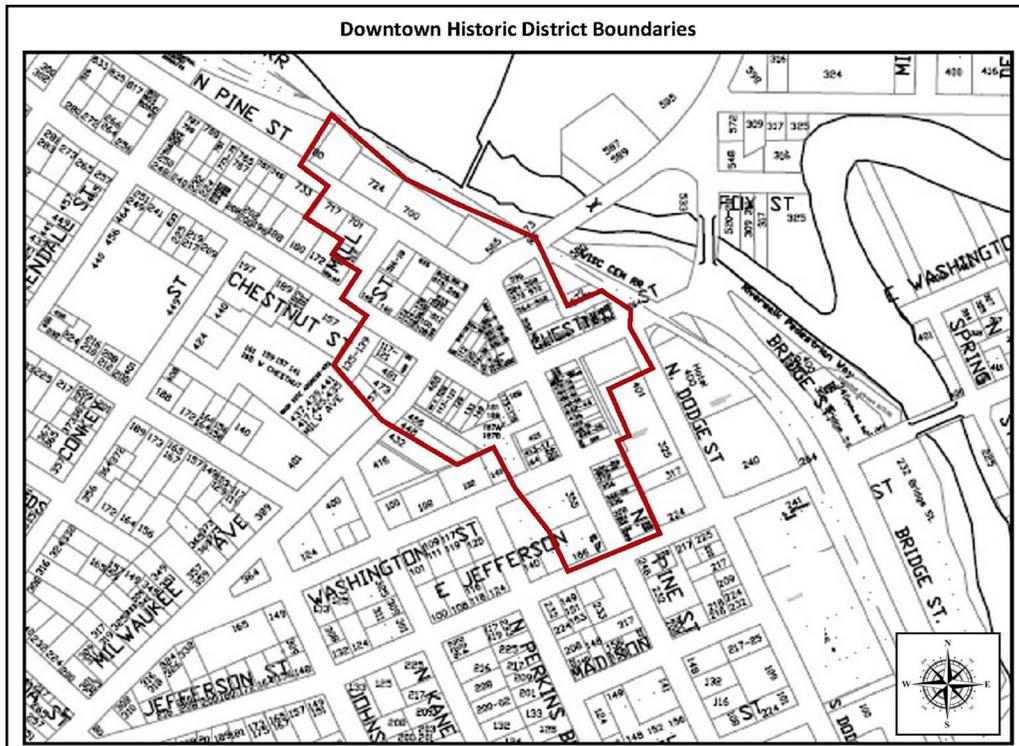
Prior to conducting any façade change, including signage and/or exterior renovations to a building in the Historic District, business owners and/or property owners must submit an application for a Certificate of Appropriateness (COA) that requires approval by the HPC. The exterior work you propose will need to comply with a set of historic rehabilitation standards aimed at preserving the heritage and character of the building which can be found on the City's website at [www.burlington-wi.gov](http://www.burlington-wi.gov).

## What is a Certificate of Appropriateness?

The Certificate of Appropriateness (COA) is a document issued by the City of Burlington Historic Preservation Commission that documents that the exterior work planned for a historical structure or site is fitting to its historic nature, character and architecture and also fitting to its context and appearance within a particular block or a historical district. The COA needs to be obtained in conjunction with a regular building permit.

## How do I get a COA?

An application, available at the City's Building Department or on the website at [www.burlington-wi.gov](http://www.burlington-wi.gov) must be completed and reviewed by the City staff, the City Planner and the Burlington Historic Preservation Commission. All projects are required to follow the city's General Design Guidelines for Historic Properties to determine the project's potential effect on the historic character of the property and/or district.



## Façade Grants and Financing Opportunities

The City offers façade grants up to \$5,000 for each façade facing a public street. Grants are first come, first serve and available until the funds run out. The HPC approves and/or denies the grant at their monthly meeting. You must apply for the grant prior to doing work on the façade that would be included within the grant. Any work completed before a grant is approved is disqualified from the grant. No more than \$250 of matching funds of the \$5,000 grant maybe used for exterior signage. A COA application must accompany a Façade Grant application.

# Who Do I Contact?

## **DEPARTMENT: Administration**

300 N. Pine Street  
Burlington, WI 53105  
262-342-1161  
mwatkins@burlington-wi.gov

- Business Development
- Economic Development
- Historic District Facade Grants

## **DEPARTMENT: Building and Zoning**

300 N. Pine Street  
Burlington, WI 53105  
262-342-1161  
gguidry@burlington-wi.gov

- Zoning & Special Permit
- Building Permit
- Change of Ownership
- Demolition Permit
- Planning and Zoning
- Certificates of Occupancy
- Zoning Variance
- Conditional Use and Site Plan
- Sign Permits
- Right-of-way Permit
- Home Occupation Permit

## **DEPARTMENT: City Clerk**

300 N. Pine Street  
Burlington, WI 53105  
262-342-1161  
dhalbach@burlington-wi.gov

- Liquor License
- Direct Seller (Peddler) License
- Cigarette and Tobacco License
- Taxi Cab License
- Weights and Measures License
- Sidewalk Seating Permit
- Special Event Permit

## **DEPARTMENT: Economic Development**

RCEDC  
2320 Renaissance Boulevard  
Sturtevant, Wisconsin 53177  
Telephone: 262-898-7400

- Economic Development
- Business Financing and Incentives

## **DEPARTMENT: Finance**

300 N. Pine Street  
Burlington, WI 53105  
262-342-1161  
sdequaker@burlington-wi.gov

- Property Assessments
- Property Taxes
- Personal Property Taxes

## **DEPARTMENT: Fire Department**

165 W. Washington Street  
Burlington, WI 53105  
262-763-7842  
ababe@burlington-wi.gov  
wminer@burlington-wi.gov

- Fire System Permit
- Fire Prevention
- Smoke Detectors Inspection

## **DEPARTMENT: Health Department**

10005 Northwestern Avenue  
US Bank, 2nd Floor  
Franksville, WI 53126  
262-898-4460  
<http://crchd.com>

- Retail Food License
- Hotel/Motel/Transient Rooming House/Bed & Breakfast License
- Public Pool License
- Tattoo Establishment License
- Body Piercing Establishment License

## **DEPARTMENT: Police**

224 E. Jefferson Street  
Burlington, WI 53105  
262-342-1100  
manderson@burlington-wi.gov

- Snow Emergency Parking Procedures
- Downtown Parking Permit
- Crime Prevention
- Vacation Check
- Keyholder Call List
- Neighborhood Watch

## **DEPARTMENT: Public Works**

2200 S. Pine Street  
Burlington, WI 53105  
262-342-1181  
priggs@burlington-wi.gov

- Dumpster Permits
- Brush Collection
- Street Light Outages
- Street Maintenance
- Snow Removal

## **DEPARTMENT: Water**

2200 S. Pine Street  
Burlington, WI 53105  
262-342-1181  
priggs@burlington-wi.gov

- Water/Sewer Billing
- Well Permit or Abandonment
- Municipal Water Line Repair

## **DEPARTMENT: Wastewater**

2100 S. Pine Street  
Burlington, WI 53105  
262-539-3646  
priggs@burlington-wi.gov

- Water Testing
- Mercury Collection
- Assistance with Sewer Backup
- Industrial User Lab Testing

# Navigating City Process

Create Business Plan

Find Location

City Review and Process Timing

**Notes**

- State review timing is not included
- Some items can be done simultaneously

Speak with the Fire Department to:

- Determine if a sprinkler system is needed
- A solid conceptual design and plan is critical
- State of Wisconsin plan review could take several weeks
- Apply for a Fire System Permit
- Request a Smoke Detector Inspection

1 - 2 weeks

Speak with the Building Inspector to:

- Determine Zoning and verify if it is a permitted use
- Determine if building is up to code
- Review project scope
- Determine if State review is needed
- Schedule a Development Review Committee (DRC) meeting if necessary
- Apply for change of ownership and occupancy permits
- Apply for Site Plan, Conditional Use and/or Zoning permits
- Apply for Building Permits

1 - 8 weeks

Is the building in the Historic Preservation District?

- Apply to the Historic Preservation Commission (HPC) for any facade work or signage
- Requires HPC and Common Council approval
- Special historic regulations apply

4 - 6 weeks

Is the building going to be new construction?

- Work with Building Inspector for DRC meeting
- Apply for Site Plan review
- Requires Plan Commission approval
- Specific zoning regulations apply

4 - 6 weeks

Is the building existing?

- Work with Building Inspector for DRC meeting if necessary
- Apply for Site Plan review
- Requires Plan Commission approval
- Specific zoning regulations apply

4 - 6 weeks

Speak with the City Clerk to:

- Apply for Liquor License
- Apply for Cigarette/Tobacco License
- Apply for Weights and Measures License
- Apply for a Sidewalk Seating Permit

3 - 4 weeks

- Requires Common Council approval

Speak with the Health Department to:

- Apply for a Retail Food License
- Apply for a Hotel/Motel/Transient Rooming House/Bed & Breakfast License
- Apply for a Tattoo / Body Piercing Establishment License
- Request Health and Sanitary Inspections

2 - 8 weeks

Speak with Public Works to:

- Set up Water/Sewer billing

## Typical Meeting Dates and Timelines

Committee	Date/Time of Meeting	Location of Meeting	Due Date to Submit Application	Reason for Meeting	Timing	Attendance Required?
<b>Development Review Committee (DRC)</b>	On Call	2200 S. Pine Street	2 weeks prior to meeting	A committee comprised of city staff members work with the business owner/developer prior to application submittals to ensure all necessary materials are prepared for review.	You can anticipate that the DRC process will take approximately 2 to 3 weeks upon submittal of a completed application.	Yes
<b>Common Council</b>	1st & 3rd Tuesday of each month	224 E. Jefferson Street	1st & 3rd Friday of each month	The Common Council will review and consider Plan Commission recommendations for rezone requests, site plans, subdivision plats, COAs and certified survey maps.	You can anticipate that the Common Council process will take approximately 4 to 6 weeks upon submittal of a completed application.	Recommended
<b>Historic Preservation Commission (HPC)</b>	4th Thursday of each month	224 E. Jefferson Street	1st Monday of each month	The HPC will review and consider Certificates of Appropriateness and facade grant applications. Upon approval, these items will move to the Common Council for consideration.	You can anticipate that the HPC process will take approximately 4 to 6 weeks upon submittal of a completed application. This process may take longer if your petition is tabled and/or if additional information becomes necessary.	Yes
<b>Plan Commission</b>	2nd Tuesday of each month	224 E. Jefferson Street	2nd Friday of each month	All planning matters are referred to the Plan Commission including, but not limited to, rezoning, subdivisions/plats, certified survey maps, site plans, and conditional use permits. Upon approval, these items will move to the Common Council for consideration.	You can anticipate that the Plan Commission process will take approximately 4 to 6 weeks upon submittal of a completed application. This process may take longer if your petition is tabled and/or if additional information becomes necessary.	Recommended
<b>Zoning Board of Appeals (ZBA)</b>	3rd Wednesday of each month	165 W. Washington Street	3rd Friday of each month	The Board of Zoning Appeals hears and decides appeals as well as decides special exceptions to zoning ordinances and authorize variances.	You can anticipate that the ZBA process will take approximately 4 to 6 weeks upon submittal of a completed application. This process may take longer if your petition is tabled and/or if additional information becomes necessary.	Yes

# Property Rezone Requests

## When

You want to amend the zoning district classification for an area.

## Why

The intended use is not a permitted use by right or conditional use in the existing zoning district classification.

## How

The City Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The Common Council shall hold a public hearing upon each proposed change or amendment recommended by the City Plan Commission. Following the hearing and after careful consideration of the City Plan Commission's recommendations, the Common Council will vote on the passage of the proposed change or amendment.

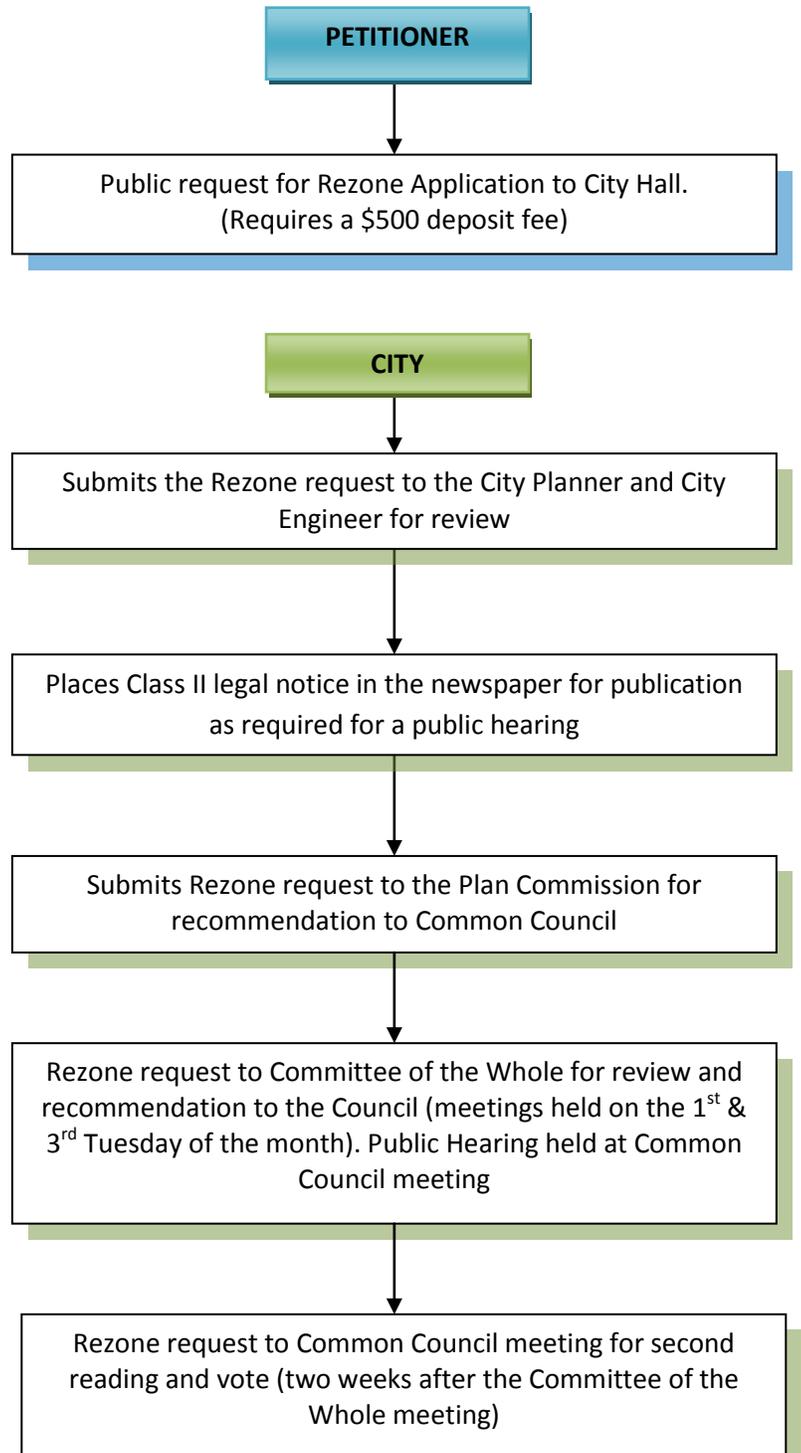
## To Apply

Applications for a rezone request can be located at City Hall, 300 N. Pine Street, and on the city website at [www.burlington-wi.gov](http://www.burlington-wi.gov). Applications are due to City Hall the second Friday of every month. Plan Commission meetings are held on the second Tuesday of the month. Applications shall include:

- Names and addresses of the applicant and owner of the site
- Address of the subject site
- Legal description of the site
- Current and proposed zoning district
- Purpose for zoning change
- A \$500 fee for City Planner and City Engineer review services.

## Time

You can anticipate that the conditional use process will take approximately four to eight weeks upon submittal of a completed petition. Please keep in mind that this process may take longer if your petition is tabled and/or if additional information becomes necessary.



# Site Plan Review

## When

Any use of the land or the construction of any structure requires the site plan review process to be implemented for all developments classified as a principal or accessory use in any district, with the exception of single-family and two-family dwellings.

## Why

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values.

## How

The Plan Commission shall review the site, natural resource features of the site, site intensity of use, building location, density of dwelling units, floor area, impervious surface area, existing and proposed structures, architectural plans, neighboring uses, potential impacts upon neighboring uses, utilization of landscaping and open space, off-street parking and loading areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

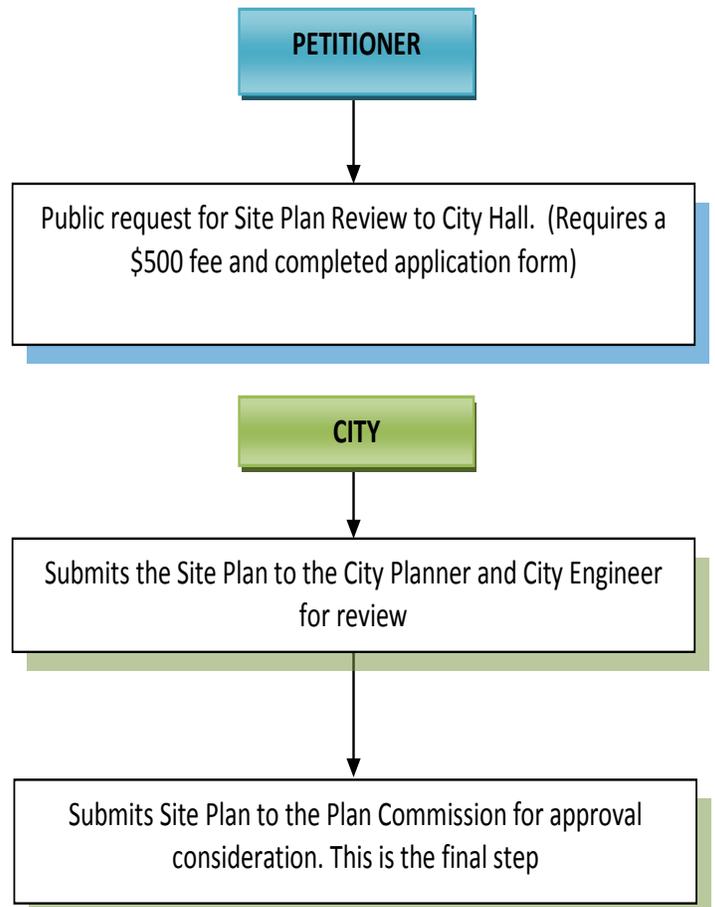
## To Apply

Applications for site plans can be located at City Hall, 300 N. Pine Street, and on the city website at [www.burlington-wi.gov](http://www.burlington-wi.gov). Applications are due to City Hall the second Friday of every month. Plan Commission meetings are held on the second Tuesday of the month. Applications shall include:

- Scale and name of project. Site plan drawn to a recognized engineering scale with the name of project noted
- Owner's and/or developer's name and address
- Architect's and/or engineer's name and address
- Date of site plan submittal with all dates of revision noted on the site plan
- Scale and site size. The scale of drawing and the size of the site (in square feet or acres)
- Existing and proposed topography
- Soils data. The characteristics and types of soils related to contemplated specific uses
- Off-street parking spaces, loading, ingress and egress, and driveway locations of adjoining properties
- Type, size, and location of all structures and signs
- Height of all buildings, including both principal and accessory, expressed in both feet and stories
- Existing and proposed street names. Existing and proposed street names
- Existing and proposed public street rights-of-way or reservations.
- Building and yard setbacks
- North arrow noted on the site plan
- Proposed sanitary sewers, storm sewers, and water mains
- Proposed stormwater management facilities
- Natural resource features, SEWRPC delineated environmental corridors, and isolated natural areas
- Landscape plan required
- Density of residential uses and the number of dwelling units by type
- Type and amount of ancillary and nonresidential uses in the development
- General location and purpose of each building
- Location of pedestrian sidewalks and walkways
- A graphic outline of any development staging or phasing which is planned
- Architectural plans, elevations, and perspective drawings and sketches
- Outdoor lighting data required
- Easements
- Highway access
- A \$500 fee for City Planner and City Engineer review services

## Time

You can anticipate that the conditional use process will take approximately four to six weeks upon submittal of a completed application. Please keep in mind that this process may take longer if your petition is tabled and/or if additional information becomes necessary.



# Certificate Of Appropriateness

## When

The Certificate of Appropriateness (COA) is a document issued by the City of Burlington Historic Preservation Commission that documents that the exterior work planned for a historical structure or site is fitting to its historic nature, character and architecture and also fitting to its context and appearance within a particular block or a historical district. The COA needs to be obtained in conjunction with a regular building permit.

## Why

The Historic Preservation Commission (HPC) works to protect and enhance the downtown historic district in Burlington. The HPC was established in 2000 to safeguard the City's historic and cultural heritage, including stabilization and improvement of property values, enhancement of the City for its residents, businesses and visitors, and to strengthen the City's economy.

## How

Prior to conducting any façade change, including signage and/or exterior renovations to a building in the Historic District, business owners and/or property owners must submit an application for a COA that requires approval by the HPC. The exterior work you propose will need to comply with a set of historic rehabilitation standards aimed at preserving the heritage and character of the building which can be found on the City's website at [www.burlington-wi.gov](http://www.burlington-wi.gov).

## To Apply

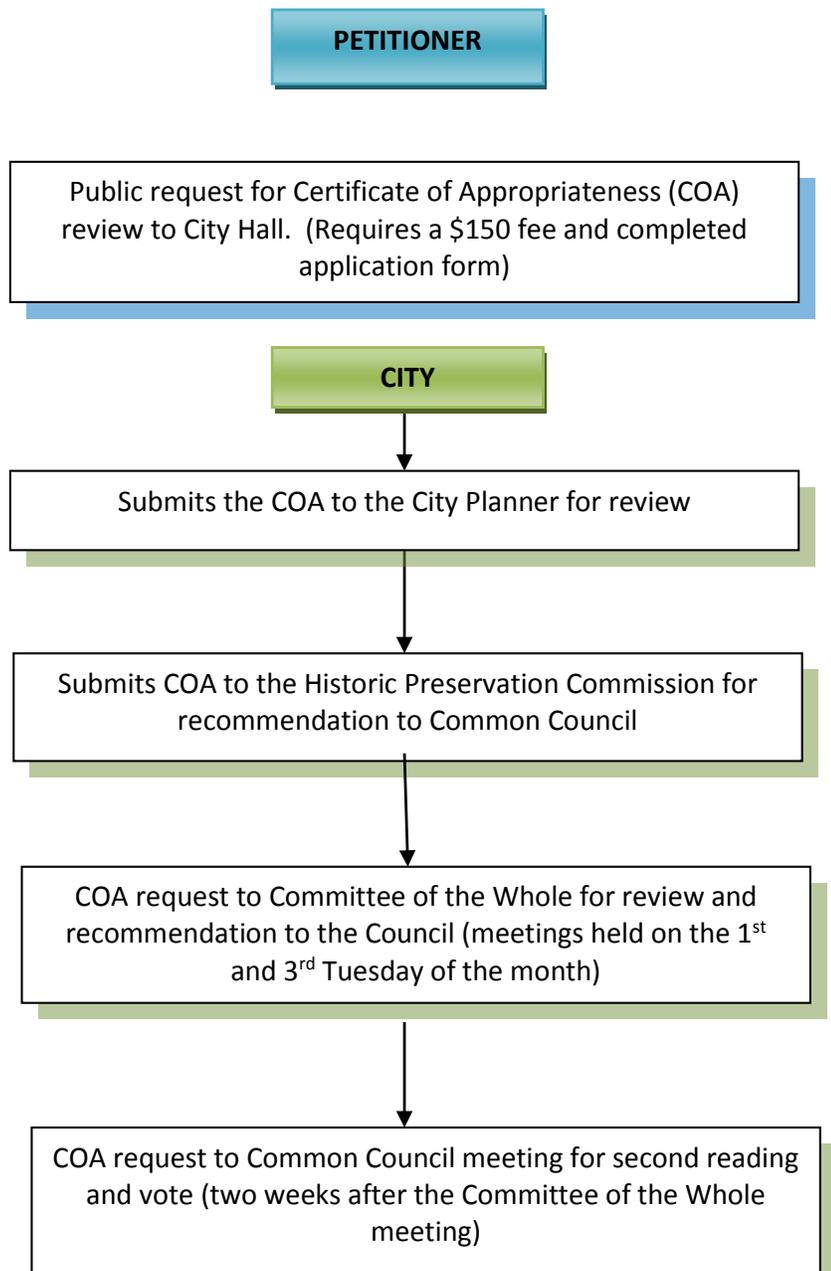
Building owners and developers must apply for a Certificate of Appropriateness (COA) with the Building Department before they can proceed with their planned renovation or construction activity, including signage changes. Certificates of Appropriateness are granted by the Historic Preservation Commission after review. Tenants or lease holders can also submit applications for COAs, but must have the written consent or sign-off of the property owner to do so.

Applications for a COA can be located at City Hall, 300 N. Pine Street, and on the city website at [www.burlington-wi.gov](http://www.burlington-wi.gov). Historic Preservation Commission meetings are held the fourth Thursday of each month, with a deadline for material submittal three and a half weeks prior to the meeting. Applications shall include:

- Completed COA Application form
- Architectural plans, elevations, photographs, material samples, color samples and/or perspective drawings and sketches illustrating the design and character of all proposed alterations
- An appointment may be arranged with the Building Inspector to discuss a proposed project, deadlines for providing the necessary documentation, and information on the monthly public HPC meetings held for the application review.
- A \$150 fee for City Planner review services.

## Time

You can anticipate that the Certificate of Appropriateness process will take approximately four to six weeks upon submittal of a completed application. Please keep in mind that this process may take longer if your petition is tabled and/or if additional information becomes necessary.



# Conditional Use Permits

## When

Conditional Uses are uses which are not permissible by right in certain Zoning Districts, but which may be permitted by the terms of the City of Burlington Zoning Ordinance if certain conditions are met.

## Why

Certain uses, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of right in a particular district and therefore is in need of special consideration. A conditional use is designed to be a flexibility device designed to cope with these situations.

## How

The City Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

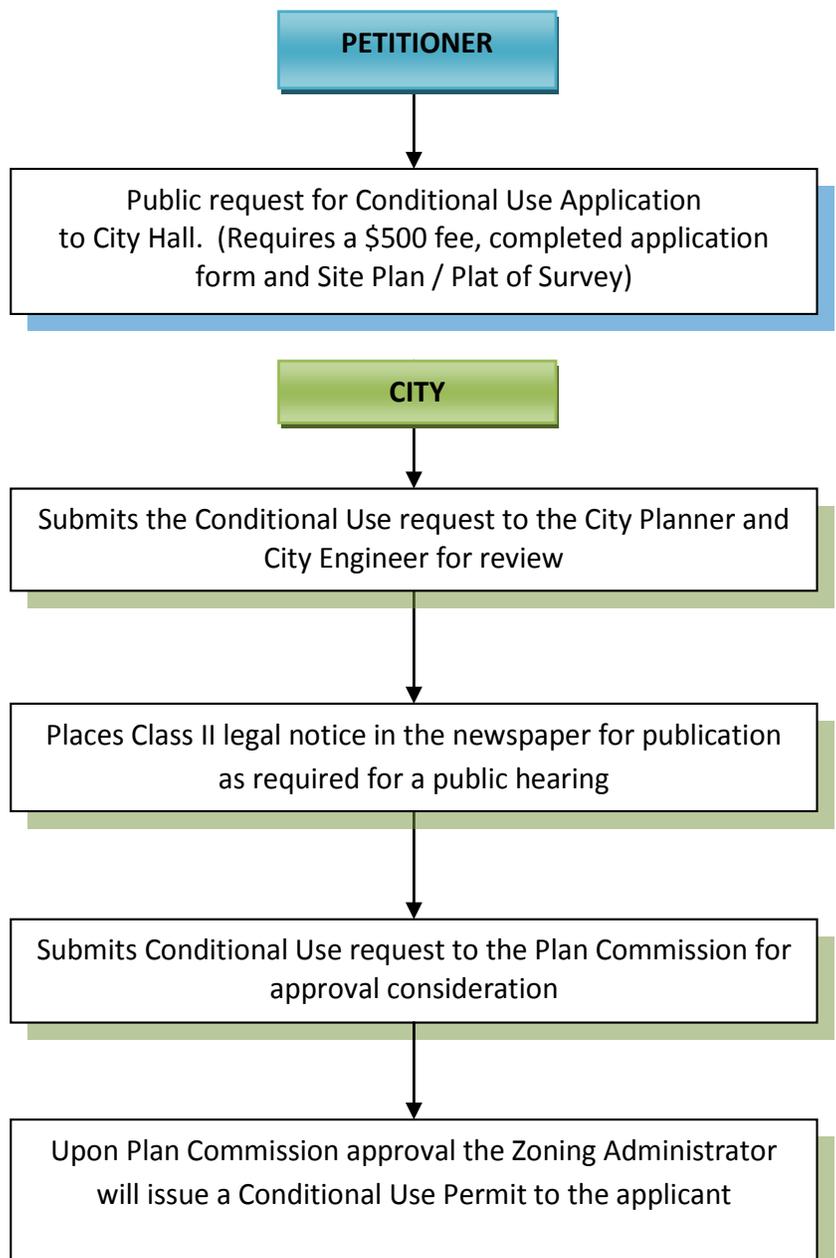
## To Apply

Applications for conditional use permits can be located at City Hall, 300 N. Pine Street, and on the city website at [www.burlington-wi.gov](http://www.burlington-wi.gov). Applications are due to City Hall the second Friday of every month. Plan Commission meetings are held on the second Tuesday of the month. Applications shall include:

- Names and addresses of the applicant, owner of the site, and architect, professional engineer or contractor, when engaged.
- Address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Zoning Administrator showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and areas subject to inundation by floodwaters.
- A \$500 fee for City Planner and City Engineer review services.

## Time

You can anticipate that the conditional use process will take approximately four to eight weeks upon submittal of a completed petition. Please keep in mind that this process may take longer if your petition is tabled and/or if additional information becomes necessary.



# Liquor License Procedures

## Alcohol License Application

Any establishment that intends to sell alcohol (liquor, beer, and/or wine), must have an approved alcohol license permit. Applications must be returned to the City Clerk and published in the local newspaper at least 15 days prior to Council consideration. The Publication Fee is \$20 and collected up front. The remaining balance must be paid prior to releasing the license.

New applicants must complete the following forms:

- Original Alcohol Beverage License Application (AT-105)
- Auxiliary Questionnaire (AT-103)
- Schedule for Appointment of Agent (AT-104).

Costs are determined by the type of license and are described as follows:

TYPE	DESCRIPTION	COST
Class "A" Beer	Retail purchase for packaged beer sales for off-premise consumption	\$100
"Class A" Combination	Retail purchase of liquor, beer and wine packaged sales for off-premise consumption	\$600
Class "B" Beer	On or off premise consumption for beer only	\$100
"Class B" Combination	On or off premise consumption for liquor, beer, wine, license for (tavern license). This is the only license that has a quota established by the State of Wisconsin	\$600
"Class C"	Retail sale of wine by the glass or in an opened original container for consumption on the premises where sold	\$100

## Operator's License (\$25.00)

All establishments that have an alcohol permit, must have a licensed operator on premise at all times. A new license requires either proof of schooling or a license from another municipality that has been issued within the last two years. If an applicant still needs to attend school or must work alone, a provisional license can be issued until the regular license is available. However, both the regular and provisional must be applied and paid for at the same time.



# Zoning

B-1, Neighborhood Business District Permitted & Conditional Uses.....	17
B-2, Central Business District Permitted & Conditional Uses.....	18
M-1, Light Manufacturing District Permitted & Conditional Uses.....	19
M-2, General Manufacturing Permitted & Conditional Uses.....	20
Zoning Map.....	21

---

## What is Zoning?

Zoning is a tool used to regulate the use of land in the City of Burlington in a manner that serves to promote the general welfare of its citizens, the quality of the environment and the conservation of its resources. Zoning also implements a land use plan. Zoning in and of itself is the delineation of areas or zones into specific districts which provides uniform regulations and requirements that govern the use, placement, spacing, and size of land and buildings.

Comprehensive zoning information for all districts in the city can be located within Chapter 315 of the City of Burlington Municipal Code. The Municipal Code is located on the City's website at [www.burlington-wi.gov](http://www.burlington-wi.gov) and at City Hall, 300 N. Pine Street.



# B-1, Neighborhood Business District

## Permitted and Conditional Uses

### Permitted uses

- Antique and collector store
- Bakeries
- Banks, savings and loan associations and other financial institutions
- Barbershops
- Bars and taverns
- Beauty shops
- Bookstores
- Bowling alleys
- Business offices
- Camera and photographic supply stores
- Clinics
- Clothing stores
- Clubs
- Confectioneries
- Dance halls
- Delicatessens
- Dental clinics
- Department stores
- Drugstores
- Fish markets
- Fitness centers 4,000 sq ft and under in area
- Florists
- Fraternities
- Fruit stores
- Funeral homes
- Furniture stores
- Furriers and fur apparel
- Gift stores
- Grocery stores
- Hobby and craft shops
- Jewelry stores
- Lodges
- Meat markets
- Medical clinics
- Music stores
- Newspaper and magazine stores
- Optical stores
- Packaged beverage stores
- Paint, glass and wallpaper stores
- Professional offices
- Public utility offices
- Publishing houses
- Radio and television stores
- Restaurants
- Self-service laundry and dry-cleaning establishments
- Shoe stores and leather goods stores
- Soda fountains
- Sporting goods stores
- Stationery stores
- Supermarkets
- Tanning salons 4,000 sq ft and under in area
- Theaters
- Tobacco stores
- Variety stores
- Vegetable stores

### Conditional uses

- Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business
- Rental efficiency, one-bedroom apartments, and two-bedroom apartments on a non-ground level, provided there shall be a minimum floor area of 350 sq ft for an efficiency apartment, 450 sq ft for a one-bedroom apartment, and 650 sq ft for a two-bedroom apartment
- Boardinghouses (conditions apply)
- Elderly housing, provided densities shall not exceed 22 units per net acre or 32 bedrooms per net acre, whichever is greater
- Motels, hotels and apartment hotels
- Child day-care centers (conditions apply)
- Churches
- Cemeteries
- Crematory service
- Veterinary clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
- Pet shop, provided that no sales or services are offered outside of an enclosed building and no boarding or breeding of animals takes place on the premises.
- Pet grooming shop, provided that no sales or services are offered outside of an enclosed building and no boarding or breeding of animals takes place on the premises.
- Amusement game arcades, provided that all principal structures and uses are not less than 300 ft from the lot lines of schools and churches and not less than 50 ft from the main entrance of any bar, tavern, cocktail lounge, or liquor store engaged in the business of selling or dispensing alcoholic beverages on the premises
- Pool halls
- Drive-in establishments serving food or beverages for consumption outside the structure.
- Drive-in establishments selling fruits and vegetables
- Gasoline service stations, automobile and truck rental services, and automobile washing
- Automotive sales and service
- New and used automobile, aircraft and marine craft sales and the sale of tires, batteries, and other automotive, marine and aircraft accessories
- Fuel oil, bottled gas, and ice dealers
- Building supply stores

- Construction services, including general building contractors, carpentry, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services
- Printing
- Utilities
- Transmitting towers; receiving towers; relay and microwave towers without broadcast facilities or studios; and wireless communications towers, antennas, and associated accessory structures and facilities
- Radio and television transmitting and receiving stations
- Freight forwarding services, packing and crating services, and petroleum bulk services and terminals
- Warehousing and retail/wholesale sales of electrical apparatus and equipment, wiring supplies and construction materials, hides, skins, and raw furs, not including outdoor storage
- Processing and assembling of final products, provided that the limited industrial process and attendant storage do not occupy more than 1,500 sq ft of gross floor area, the operation is conducted in an enclosed structure, and no outside storage of product or materials may be permitted
- Gun stores
- The following uses are permitted as conditional uses provided all principal structures and uses are not less than 100 feet from any residential district lot line: Heliports; Bus depots; Rail depots
- Any building or use which is a permitted use or a conditional use in this district where the size of an enclosed structure used for the permitted or conditional use is 80,000 square feet or greater. This provision shall apply as an overlay requirement for any single use or multiple uses located within one enclosed structure, if that structure exceeds 80,000 sq ft
- Farm and garden machinery, equipment and supplies sale
- Outdoor display of merchandise
- Tattoo establishments and/or body-piercing establishments
- Fitness centers and tanning salons over 4,000 sq ft
- Outside seating for establishments serving food or beverage for consumption outside the structure

## B-2, Central Business District Permitted and Conditional Uses

### Permitted uses

- Antique and collectors stores
- Bakeries
- Banks, savings and loan associations and other financial institutions
- Barbershops
- Bars and taverns
- Beauty shops
- Bookstores
- Bowling alleys
- Business offices
- Camera and photographic supply stores
- Clinics
- Clothing stores
- Clubs
- Confectioneries
- Dance halls
- Delicatessens
- Dental clinics
- Department stores
- Drugstores
- Fish markets
- Florists
- Fraternities
- Fruit stores
- Furniture stores
- Furriers and fur apparel
- Gift stores
- Grocery stores
- Hardware stores
- Hobby and craft stores
- Jewelry stores
- Lodges
- Meat markets
- Medical clinics
- Municipal-owned parking structures, garages and parking lots
- Music stores
- Newspaper and magazine stores
- Optical stores
- Packaged beverage stores
- Paint, glass and wallpaper stores
- Professional offices
- Public utility offices
- Publishing houses
- Radio and television stores
- Restaurants
- Self-service laundries and dry-cleaning establishments
- Shoe stores and leather goods stores
- Soda fountain
- Sporting goods stores
- Stationery stores
- Supermarkets
- Tanning salons, fitness centers, massage parlors and bathhouses
- Theaters
- Tobacco stores
- Variety stores
- Vegetable stores

### Conditional uses

- Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business
- Rental efficiency, one-bedroom apartments, and two-bedroom apartments on a non-ground level, provided there shall be a minimum floor area of 350 square feet for an efficiency apartment, 450 square feet for a one-bedroom apartment, and 650 square feet for a two-bedroom apartment
- Elderly housing, provided densities shall not exceed 22 units per net acre or 32 bedrooms per net acre, whichever is greater
- Bed-and-breakfast establishments providing adequate off-street parking facilities
- Motels, hotels, and apartment hotels
- Child day-care centers (conditions apply)
- Drive-in establishments selling fruits and vegetables
- Amusement game arcades, provided that all principal structures and uses are not less than 300 feet from the lot lines of schools and churches and not less than 50 feet from the main entrance of any bar, tavern, cocktail lounge, or liquor store engaged in the business of selling or dispensing alcoholic beverages on the premises
- Pool halls
- Veterinary clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building
- Pet shop, provided that no sales or services are offered outside of an enclosed building, and no boarding or breeding of animals takes place on the premises
- Pet grooming shop, provided that no sales or services are offered outside of an enclosed building, and no boarding or breeding of animals takes place on the premises
- Gasoline service stations, automobile and truck rental services, and automobile washing.
- Automotive sales and service.
- New and used automobile, aircraft, and marine craft sales and the sale of tires, batteries, and other automotive, marine, and aircraft accessories
- Fuel oil, bottled gas, and ice dealers
- Building supply stores
- Construction services, including general building contractors, carpentry, wood flooring, concrete services,

- masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services
- Printing
- Cemeteries
- Crematory service
- Utilities
- Transmitting towers; receiving towers; relay and microwave towers without broadcast facilities or studios; and wireless communications towers, antennas, and associated accessory structures and facilities
- Radio and television transmitting and receiving stations
- Freight forwarding services, packing and crating services, and petroleum bulk stations and terminals
- Warehousing and retail/wholesale sales of electrical apparatus and equipment, wiring supplies and construction materials, hides, skins, and raw furs, not including outdoor storage
- Gun stores
- Sound recording studios (conditions apply)
- The following uses are permitted as conditional uses provided all principal structures and uses are not less than 100 feet from any residential district lot line: Bus depots; Rail depots
- Tattoo establishments and/or body-piercing establishments (conditions apply)
- Outside seating for establishments serving food or beverage for consumption outside the structure.

# M-1, Light Manufacturing District Permitted and Conditional Uses

## **Permitted Uses**

Processing, manufacturing, and/or storage of the following (excluding the manufacturing of explosives on site):

- Adhesives
- Apparel and findings related products
- Automatic temperature controls
- Baked goods and bakery products
- Blank books, loose-leaf binders and devices
- Books: publishing, printing and binding
- Boot and shoe cut stock and findings
- Brooms and brushes
- Candy and other confectionery products
- Canvas products
- Cereal preparations
- Cleaners
- Costume jewelry and novelties or fasteners, buttons, needles and pins
- Creamery butter
- Curtains and draperies
- Defoamers
- Dental equipment and supplies
- Dispersants
- Dress and work gloves
- Electrotyping and stereotyping
- Engineering, laboratory and scientific and research instruments and associated equipment
- Envelopes
- Fabrics, broad and narrow woven
- Felt goods
- Flavor extracts and flavor syrups
- Floor coverings limited to rugs and carpeting
- Footwear
- Fresh or frozen fruits, fruit juices, vegetable and specialties
- Greeting cards
- Handbags and other personal leather goods
- Hats, caps and millinery
- Household furniture and furnishings
- Ice
- Ice cream and frozen desserts
- Jewelers findings and materials
- Jewelry and other precious metals
- Knit goods
- Lace goods
- Lampshades
- Luggage
- Macaroni, spaghetti, vermicelli and noodles
- Manifold business forms
- Mechanical measuring and controlling instruments
- Men's, youth, and boys' furnishings, work clothing and allied garments
- Morticians' goods

- Musical instruments and parts
- Newspapers: publishing and printing
- Paper coating and glazing
- Partitions, shelving, lockers and office and store fixtures
- Pens, pencils and other office and artist materials
- Periodicals: publishing and printing
- Photoengraving instruments and apparatus
- Photographic equipment and supplies
- Pleating, decorative and novelty stitching and tucking for the trade
- Office furniture
- Ophthalmic goods
- Optical instruments and lenses
- Orthopedic, prosthetic and surgical appliances and supplies
- Pressed and molded pulp goods
- Printing, commercial
- Raincoats and other waterproof outer garments
- Rice milling
- Robes and dressing gowns
- Sanitary paper products
- Signs and advertising displays
- Silicas (colloidal and treated)
- Silverware and plated ware
- Surfactants
- Surgical and medical instruments and apparatus
- Textiles, dyeing and finishing
- Tire cord and fabric
- Toys, amusement, sporting and athletic goods
- Typesetting
- Umbrellas, parasols and canes
- Venetian blinds and shades
- Wallpaper
- Warehousing
- Watches, clocks, clockwork-operated devices and parts
- Women's, misses', juniors', girls' and infants' furnishings and work and dress garments
- Wool scouring, worsted combing
- Yams and threads

## **Conditional Uses**

- Automobile upholstery, body repair, and engine repair
- Fur goods
- Airports, airstrips, and landing fields, provided that the site is not less than 20 acres
- Utilities
- Heliports and bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary
- Transmitting towers; receiving towers; relay and microwave towers without

- broadcast facilities or studios; and wireless communications towers, antennas, and associated accessory structures and facilities
- Processing and manufacturing of feeds prepared for animals and fowl, wholesale and/or retail warehousing of animal feeds, fertilizer, seeds, garden and lawn supplies, animal health products and lawn equipment, provided that all operations are conducted within an enclosed building
- Experimental, testing, and research laboratories
- Manufacturing and processing of dimension hardwood and flooring, veneer, and plywood
- Millwork, lumberyards, sawmills, and planing mills
- Office use unrelated to principal industrial operations
- Residential quarters for the owner or caretaker, provided that an occupancy separation is provided in accordance with state code (Chs. Comm 61 to 65, Wis. Admin. Code). The residential quarters shall be occupied by one or more persons employed by the property owner
- Retail stores and services
- Self-service storage facilities (conditions apply)
- Construction services, including general building contractors, carpentry, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services
- Veterinary clinic, provided no service, including the boarding of animals, is offered outside of an enclosed building
- Recycling center, provided no chemicals or hazardous materials are collected, stored or processed and all storage and processing operations are conducted in an enclosed building
- Indoor skate parks (conditions apply)
- Vocational schools, including data processing, business, and secretarial schools, provided that adequate off-street parking is provided as determined by the Plan Commission.
- Metal machining and fabricating.
- Metal stamping uses not to exceed 5,000 square feet in area.

## M-2, General Manufacturing District Permitted and Conditional Uses

### **Permitted Uses**

- Adhesives
- Apparel and findings related products
- Automatic temperature controls
- Baked goods and bakery products
- Blank books, loose-leaf binders and devices
- Books: publishing, printing and binding
- Boot and shoe cut stock and findings
- Brooms and brushes
- Candy and other confectionery products
- Canvas products
- Cereal preparations
- Cleaners
- Costume jewelry and novelties or fasteners, buttons, needles and pins
- Creamery butter
- Curtains and draperies
- Defoamers
- Dental equipment and supplies
- Dispersants
- Dress and work gloves
- Electrotyping and stereotyping
- Engineering, laboratory and scientific and research instruments and associated equipment
- Envelopes
- Fabrics, broad and narrow woven
- Felt goods
- Flavor extracts and flavor syrups
- Floor coverings limited to rugs and carpeting
- Footwear
- Fresh or frozen fruits, fruit juices, vegetable and specialties
- Greeting cards
- Handbags and other personal leather goods
- Hats, caps and millinery
- Household furniture and furnishings
- Ice
- Ice cream and frozen desserts
- Jewelers findings and materials
- Jewelry and other precious metals
- Knit goods
- Lace goods
- Lampshades
- Luggage
- Macaroni, spaghetti, vermicelli and noodles
- Manifold business forms
- Mechanical measuring and controlling instruments
- Men's, youth, and boys' furnishings, work clothing and allied garments
- Morticians' goods
- Musical instruments and parts
- Newspapers: publishing and printing
- Paper coating and glazing
- Partitions, shelving, lockers and office and store fixtures

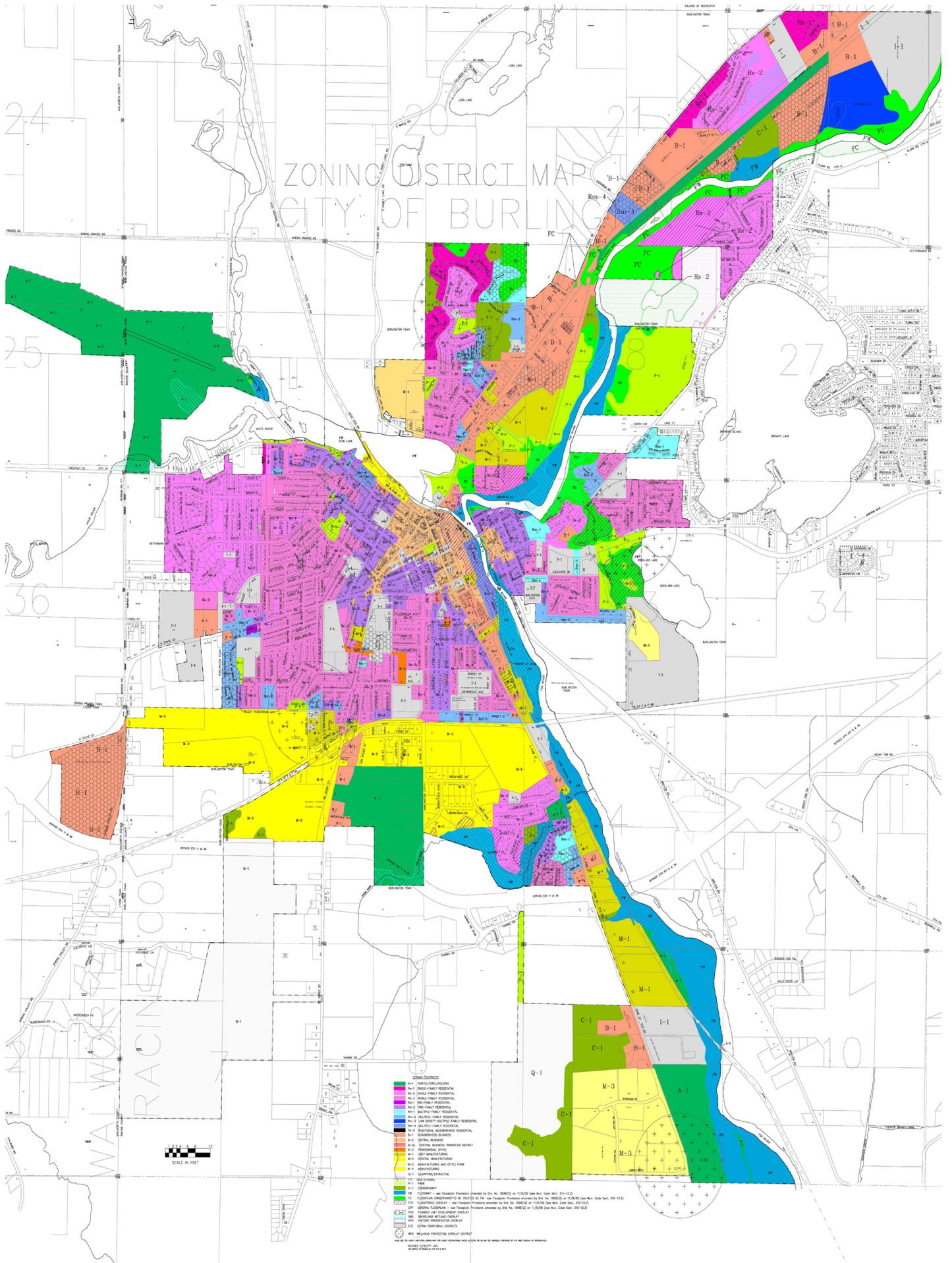
- Pens, pencils and other office and artist materials
- Periodicals: publishing and printing
- Photoengraving instruments and apparatus
- Photographic equipment and supplies
- Pleating, decorative and novelty stitching and tucking for the trade
- Office furniture
- Ophthalmic goods
- Optical instruments and lenses
- Orthopedic, prosthetic and surgical appliances and supplies
- Pressed and molded pulp goods
- Printing, commercial
- Raincoats and other waterproof outer garments
- Rice milling
- Robes and dressing gowns
- Sanitary paper products
- Signs and advertising displays
- Silicas (colloidal and treated)
- Silverware and plated ware
- Surfactants
- Surgical and medical instruments and apparatus
- Textiles, dyeing and finishing
- Tire cord and fabric
- Toys, amusement, sporting and athletic goods
- Typesetting
- Umbrellas, parasols and canes
- Venetian blinds and shades
- Wallpaper
- Warehousing
- Watches, clocks, clockwork-operated devices and parts
- Women's, misses', juniors', girls' and infants' furnishings and work and dress garments
- Wool scouring, worsted combing
- Yams and threads

### **Conditional Uses**

- Automobile upholstery, body repair, and engine repair
- Fur goods
- Airports, airstrips, and landing fields, provided that the site is not less than 20 acres
- Utilities
- Heliports and bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary
- Transmitting towers; receiving towers; relay and microwave towers without broadcast facilities or studios; and wireless communications towers, antennas, and associated accessory structures and facilities

- Processing and manufacturing of feeds prepared for animals and fowl, wholesale and/or retail warehousing of animal feeds, fertilizer, seeds, garden and lawn supplies, animal health products and lawn equipment, provided that all operations are conducted within an enclosed building
- Experimental, testing, and research laboratories
- Manufacturing and processing of dimension hardwood and flooring, veneer, and plywood
- Millwork, lumberyards, sawmills, and planing mills
- Office use unrelated to principal industrial operations
- Residential quarters for the owner or caretaker, provided that an occupancy separation is provided in accordance with state code (Chs. Comm 61 to 65, Wis. Admin. Code). The residential quarters shall be occupied by one or more persons employed by the property owner
- Retail stores and services
- Self-service storage facilities (conditions apply)
- Construction services, including general building contractors, carpentry, wood flooring, concrete services, masonry, stonework, tile setting, plastering services, roofing, sheet metal services, and water well drilling services
- Veterinary clinic provided no service, including the boarding of animals, is offered outside of an enclosed building
- Recycling center, provided no chemicals or hazardous materials are collected, stored or processed and all storage and processing operations are conducted in an enclosed building
- Indoor skate park (conditions apply)
- Vocational schools, including data processing, business, and secretarial schools, provided that adequate off-street parking is provided as determined by the Plan Commission
- Metal machining and fabricating
- Metal stamping uses not to exceed 5,000 square feet in area.

# ZONING DISTRICT MAP CITY OF BURLINGAME





**DATE:** January 16, 2018

**SUBJECT:** Emerald Ash Borer Plan Update

**SUBMITTED BY:** Peter Riggs, Director of Public Works

---

**BACKGROUND/HISTORY:**

In 2013 Wachtel Tree Science created a 5-year emerald ash borer management plan for the City's 830 public ash trees. The plan outlined a strategy for managing public ash trees in the community by treating trees in good health, removing trees in poor health, and replanting a diverse variety of species in removal locations.

Treatment of ash trees was performed by staff in 2014, 2015, and 2016. No trees were treated in 2017. The treatment's effectiveness has varied. In general, the effectiveness has not met expectations of preventing declining tree health and the City has had to remove trees that were treated. Therefore, continued treatment is not recommended.

Since 2014 the City has removed over 235 ash trees, leaving approximately 595 public ash trees. Staff remove the tree, a contractor grinds the stump, and then staff returns to restore the site. Staff can perform approximately 90 tree removals per year. Currently there are 60 high priority trees scheduled for removal.

At the rate current of production it will take staff until the end of 2023 to remove all public ash trees. The increased rate at which ash health is declining will continue to outpace removal production and compound the backlog of high priority removals.

**BUDGET/FISCAL IMPACT:**

The 2018 budget includes \$28,000 worth of additional funding for forestry services. This will provide funding for approximately 50 removals performed by a private tree service.

Keeping pace with the increasing volume of removals will require additional funding for private tree removal services in future budgets.

**RECOMMENDATION:**

Staff recommends bidding and entering into a contract for tree removal services to supplement in-house removal operations in 2018.

Staff also recommends adopting a removal completion goal as part of the 2019 budget process and setting funding targets to achieve this goal.

**TIMING/IMPLEMENTATION:**

In-house tree removal activities are on going. The department has made tree removal the top priority for the season behind winter weather response.

Staff will post a bid for private tree removal services within the next few weeks with the goal of having a signed contract to be approved by the Common Council and to be in place by early March.

---



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 6A**

---

**DATE:** January 16, 2018

**SUBJECT:** RESOLUTION 4875(33) - to consider approving a Letter of Engagement from Sitzberger for 2017 Audit Services.

**SUBMITTED BY:** Steven DeQuaker, Finance Director

---

**BACKGROUND/HISTORY:**

Pat Romenesko has conducted the City of Burlington annual audit since 1985. Late in 2017, his accountant, Karen Hall resigned her position with the firm. Karen performed most of the data entry and journal work, while Pat focused on Debt, Taxes and the non-major funds.

Due to Karen's resignation, Pat felt he was unable to perform the 2017 audit for the City. Pat has recommended the firm Sitzberger CPAs and Advisors to perform the 2017 Audit, with Pat being one of the auditors, due to his knowledge and 30+ years of performing the City audit.

The attached engagement letter outlines the items/reviews Sitzberger will perform during the 2017 audit. The audit will be completed, as normal, over a period of about three weeks of on-site visits examining the ledgers and postings by the finance department along with compliance to accepted standards and controls. Following the examinations, Sitzberger will compile the audit report, which is, in-turn reported to the Common Council.

The fee of \$35,000 is the same fee that Pat Romenesko was to charge for completing the 2017 Audit. As stated above, Pat will be involved in the audit, but Sitzberger will complete the compilations. The fees being charged include the PSC annual filing, Form C annual filing and Pension Liability required reporting.

**BUDGET/FISCAL IMPACT:**

Audit services, including filing of the 2017 PSC and Form C with the State of Wisconsin for the not to exceed amount of \$35,000. This dollar amount is the same amount as originally proposed by Pat Romenesko S.C. prior to the resignation of his accountant and is \$1,000 higher than the 2016 fee or 2.9%.

**RECOMMENDATION:**

Staff recommends adopting this resolution for 2017 Audit services from Sitzberger

**TIMING/IMPLEMENTATION:**

Due to the timeliness of this item, it is for discussion at the January 16, 2018 Committee of the Whole meeting and on the Common Council agenda the same night for final consideration.

---

**Attachments**

Res 4875(33) 2017 Audit  
Sitzberger Letter of Engagment

---

**A RESOLUTION APPROVING AN ENGAGEMENT LETTER WITH  
SITZBERGER CPAs AND BUSINESS ADVISORS FOR THE 2017 AUDIT  
IN THE NOT-TO-EXCEED AMOUNT OF \$35,000**

**WHEREAS**, the City of Burlington is required by law to participate in an annual audit of its accounts; and,

**WHEREAS**, Sitzberger CPAs and Business Advisors is a licensed and fully qualified Certified Public Accountant in the State of Wisconsin; and,

**WHEREAS**, Patrick Romenesko has previously performed auditing services for the City of Burlington and has recommended Sitzberger CPAs and Business Advisors to perform the 2017 Audit; and,

**WHEREAS**, Patrick Romenesko will be hired by Sitzberger CPAs and Advisors to assist with the 2017 Audit; and,

**WHEREAS**, Sitzberger CPAs and Advisors has agreed to charge the City of Burlington the same fee as would have been charged by Patrick Romenesko, S.C. for the 2017 Audit; and,

**WHEREAS**, Statutes of the State of Wisconsin and Generally Accepted Account Practices now require additional pension liability information to be included as part of the annual audit,

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County and Walworth County, State of Wisconsin approves acceptance of auditing services from Sitzberger CPAs and Advisors for the audit of the City's fiscal year 2017 accounts as outlined in the attached December 27, 2017 Letter of Engagement.

**BE IT FURTHER RESOLVED** that the City Administrator is hereby authorized and directed to execute this agreement on behalf of the City.

Introduced: January 16, 2018  
Adopted: January 16, 2018

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

---

Diahnn Halbach, City Clerk

# SITZBERGER

CPAs and Business Advisors

[www.sitzbergercpas.com](http://www.sitzbergercpas.com)

December 27, 2017

The City Council and Administration  
City of Burlington  
300 N. Pine Street  
Burlington, Wisconsin 53105

The City Council and Administration:

You have requested that we prepare the city's annual Form C for the Department of Revenue and the Public Service Commission annual report for the year ended December 31, 2017.

## **Our Responsibilities**

The objective of our engagement is to prepare these reports in accordance with the regulatory basis of accounting based on information provided by you. We will conduct our engagement in accordance with Statements on Standards for Accounting and Review Services (SSARSs) promulgated by the Accounting and Review Services Committee of the AICPA and comply with the AICPA's Code of Professional Conduct, including the ethical principles of integrity, objectivity, professional competence, and due care.

We are not required to, and will not, verify the accuracy or completeness of the information you will provide to us for the engagement or otherwise gather evidence for the purpose of expressing an opinion or a conclusion. Accordingly, we will not express an opinion or a conclusion or provide any assurance on the financial statements.

Our engagement cannot be relied upon to identify or disclose any financial statement misstatements, including those caused by fraud or error, or to identify or disclose any wrongdoing within the entity or noncompliance with laws and regulations. However, we will inform the appropriate level of management of any material errors and any evidence or information that comes to our attention during the performance of our procedures that fraud may have occurred. In addition, we will inform you of any evidence or information that comes to our attention during the performance of our financial statement preparation procedures regarding any wrongdoing within the entity or noncompliance with laws and regulations that may have occurred, unless they are clearly inconsequential.

## **Management Responsibilities**

The engagement to be performed is conducted on the basis that management acknowledges and understands that our role is the preparation of the reports in accordance with the regulatory basis of accounting. Management has the following overall responsibilities that are fundamental to our undertaking the engagement to prepare your reports in accordance with SSARS:

1. The selection of the regulatory basis of accounting as the financial reporting framework to be applied in the preparation of the reports.
2. The prevention and detection of fraud.
3. To ensure that the entity complies with the laws and regulations applicable to its activities.
4. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgments, you provide to us for the engagement to prepare financial statements.
5. To provide us with -
  - Documentation, and other related information that is relevant to the preparation and presentation of the reports,
  - Additional information that may be requested for the purpose of the preparation of the reports, and
  - Unrestricted access to persons within the entity with whom we determine it necessary to communicate.

We will be pleased to discuss this letter with you at any time. We look forward to the opportunity to serve you.

Sincerely,



Sitzberger & Company, S.C.  
Lake Geneva, Wisconsin

ACKNOWLEDGMENT;

This letter correctly sets forth the understanding of the City of Burlington.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

# SITZBERGER

CPAs and Business Advisors

www.sitzbergercpas.com

December 27, 2017

The City Council and Administration  
City of Burlington  
300 N. Pine Street  
Burlington, Wisconsin 53105

The City Council and Administration:

The American Institute of Certified Public Accountants has issued Interpretation 101-3, *Performance of Nonattest Services*, which requires an auditor to document the understanding of nonattest services to be performed to an audit client. In order to fulfill the requirements of the interpretation, we are providing you the following information concerning objectives of the engagement and services to be performed; your responsibilities in the engagement; and our responsibilities and limitations of the engagement.

## **Objectives of the Engagement and Services to be Performed**

We will provide services in addition to auditing your 2017 financial statements consisting of the following:

- Preparation of your annual Financial Report Form (Form C).
- Preparation of your annual report to the Public Service Commission.
- Assist with any needed year end closing adjustments.
- Assistance with the preparation of your annual financial statements.

We will not perform management functions or make management decisions on behalf of the City of Burlington. However, we will provide advice and recommendations to assist the management of City of Burlington in performing its functions and making decisions.

## **City of Burlington Responsibilities**

City of Burlington agrees to perform the following functions in connection with our firm's provision of the aforementioned services:

- Make all management decisions and perform all management functions, including determining account codings and approving all proposed journal entries;
- Assign Mr. Steve DeQuaker to oversee these services and evaluate the adequacy and results of the services;
- Accept responsibility for the results of these services; and

- Establish and maintain internal controls over the preparation of the annual Financial Report Form (Form C), annual report to the Public Service Commission, assistance with any needed year end closing adjustments, and assistance with the preparation of your annual financial statements.

**Our Responsibilities and Limitations of the Engagement**

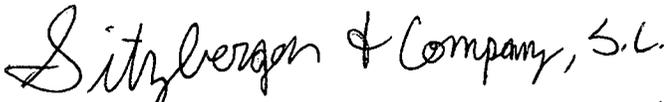
We will perform the services in accordance with applicable professional standards.

This engagement is limited to the services outlined above. Sitzberger & Company, S.C., in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or performing management functions, including determining account codings and approving journal entries. We will advise you with regard to positions taken in the preparation of the above documents, but you must make all decisions with regard to those matters.

Please call us if you have any questions regarding this information. If you are in agreement with the contents of this letter, please sign in the space provided below and return one copy of it to us.

Thank you for your attention to this letter of understanding we are required to provide to you.

Sincerely,



Sitzberger & Company, S.C.  
Lake Geneva, Wisconsin

**ACKNOWLEDGMENT:**

This letter correctly sets forth the understanding for the performance of nonattest services for the City of Burlington.

By: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

# SITZBERGER

CPAs and Business Advisors

[www.sitzbergercpas.com](http://www.sitzbergercpas.com)

December 27, 2017

The City Council and Administration  
City of Burlington  
300 N. Pine Street  
Burlington, Wisconsin 53105

The City Council and Administration:

We are pleased to confirm our understanding of the services we are to provide the City of Burlington for the year ended December 31, 2017. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Burlington as of and for the year ended December 31, 2017. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Burlington's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Burlington's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Schedule of Proportionate Share of the Net Pension Liability (Asset) - Wisconsin Retirement System
2. Schedule of Contributions - Wisconsin Retirement System

We have also been engaged to report on supplementary information other than RSI that accompanies the financial statements consisting of combining fund statements and detailed budget to actual statements. We will subject this supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole.

### **Audit Objective**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the basic financial statements taken as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of City of Burlington's financial statements. Our report will be addressed to the city council of the City of Burlington. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

### **Audit Procedures – General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the city or to acts by management or employees acting on behalf of the city.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to my attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditor's is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

### **Audit Procedures - Internal Control**

Our audit will include obtaining an understanding of the city and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

### **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Burlington's compliance with the provisions of applicable laws, regulations, contracts and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Other Services**

As part of our engagement, we will also prepare the annual financial reports for the Wisconsin Department of Revenue and the Public Service Commission. We will also prepare the financial statements of the City of Burlington in conformity with U.S. generally accepted accounting principles based on information provided by you. We will perform the services in accordance with applicable professional standards. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent, and detect fraud, and for informing us about all known or suspected fraud affecting the city involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the city received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the city complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period; and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management with suitable skill, knowledge or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on circumstances, use third-party providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

Brian Snyder, CPA is the engagement principal and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

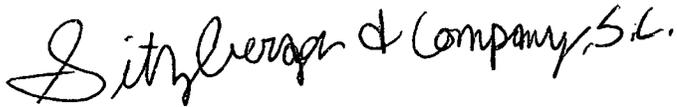
Our fees for these services will be at our standard hourly rates plus out-of-pocket costs (such as report production, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$35,000.

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes sixty days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

City of Burlington  
December 27, 2017  
Page 4

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let me know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. We look forward to the opportunity to serve you.

Sincerely,



Sitzberger & Company, S.C.  
Lake Geneva, Wisconsin

ACKNOWLEDGMENT:

This letter correctly sets forth the understanding of the City of Burlington.

By: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



---

**COMMITTEE OF THE WHOLE****ITEM NUMBER 6B**

---

**DATE:** January 16, 2018**SUBJECT:** **RESOLUTION 4876(34)** - to consider approving the award of bid for 10 Electronic Control Devices, 20 holsters, and a 5-year supply of training and duty cartridges and batteries for the City of Burlington Police Department to Axon Enterprise, Inc. in the amount of \$21,432.36.**SUBMITTED BY:** Mark Anderson, Police Chief

---

**BACKGROUND/HISTORY:**

Electronic Control Devices (commonly referred to as "Tasers") are a less than lethal use of force option that are safe, effective, and reduce injuries to officers and suspects. The City of Burlington Police Department has implemented Electronic Control Devices since 2009 to provide officers with additional less-than-lethal force options for gaining control of resistant or aggressive individuals in arrest and other enforcement situations. Since Electronic Control Devices were first purchased for officers, several devices have been repaired or replaced. If a current device fails, these units are no longer serviced by the company meaning that a new device and holster (\$1,239) is required to be purchased. The Department has spent an estimated \$2,000 per year for duty cartridges, training cartridges, and batteries since their initial purchase.

**BUDGET/FISCAL IMPACT:**

These items have been included as a New Program in the 2018 Equipment Replacement Fund. This purchase is below the budgeted amount of \$22,612.00. Axon, formerly known as Taser, was the only submitted bidder, as they are specialized in this type of equipment.

**RECOMMENDATION:**

Staff recommends the Common Council award the bid for ten X2 Electronic Control Devices, twenty X2 holsters, 150 total training cartridges, unlimited duty cartridges and replacement batteries for five years, and a five year warranty for each device to Axon Enterprise, Inc.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the January 16, 2018 Committee of the Whole meeting and scheduled for final consideration at the January 16, 2018 Common Council meeting.

---

**Attachments**

Res 4876(34) Tasers  
Axon Bid  
Spec Sheet  
DOJ Taser Report  
NIJ Taser Report

---

**A RESOLUTION APPROVING THE AWARD OF BID FOR 10 ELECTRONIC CONTROL DEVICES, 20 HOLSTERS, AND A 5-YEAR SUPPLY OF TRAINING AND DUTY CARTRIDGES AND BATTERIES FOR THE CITY OF BURLINGTON POLICE DEPARTMENT TO AXON ENTERPRISE, INC. FOR THE AMOUNT OF \$21,432.366**

**WHEREAS**, on June 1, 2004 the Common Council did approve Resolution 3812(18), a Resolution Adopting a Purchasing Policy for the City of Burlington; and,

**WHEREAS**, the Purchasing Policy requires that all non-construction related Budget Items requiring expenditures of \$15,000 or more to be reviewed and pre-approved by the Common Council; and,

**WHEREAS**, the Council may direct, at its discretion, that the item is to be bid in the same manner as construction contracts, or that it is to be combined with or included in another governmental bid, but shall not be required to do so; and,

**WHEREAS**, the City of Burlington Police Department is scheduled to replace its current supply of Electronic Control Devices with funds included in the 2018 Police Department budget; and,

**WHEREAS**, the purchase of 10 Electronic Control Devices, 20 holsters, and a 5-year supply of training and duty cartridges and batteries from Axon Enterprise, Inc. for the amount of \$21,432.36 has been recommended by the Chief of Police.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington that purchase of the aforementioned vehicles is hereby approved for the amount of \$21,432.36.

Introduced: January 16, 2018  
Adopted: January 16, 2018

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk

**Axon Enterprise, Inc.**

Protect Life.

17800 N 85th St.  
 Scottsdale, Arizona 85255  
 United States  
 Phone: (800) 978-2737  
 Fax: 480-378-6269

**David Krupp**  
 (262) 342-1100  
 (262) 763-5158  
 dkrupp@burlington-wi.gov



**Quotation**

**Quote:** Q-134187-2  
**Date:** 9/25/2017 9:24 AM  
**Quote Expiration:** 12/29/2017  
**Contract Start Date\*:** 9/15/2017  
**Contract Term:** 1 year

**AX Account Number:**  
 226362

**Bill To:**  
 BURLINGTON POLICE DEPT. - WI  
 224 E. JEFFERSON ST.  
 BURLINGTON, WI 53105  
 US

**Ship To:**  
 David Krupp  
 BURLINGTON POLICE DEPT. - WI  
 224 E. JEFFERSON ST.  
 BURLINGTON, WI 53105  
 US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Kevin Knudsen	480-905-2061	kknudsen@taser.com	Fedex - Ground	Net 30

\*Note this will vary based on the shipment date of the product.

Year 1 Due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	22002	HANDLE, BLACK, CLASS III, X2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
10	80137	TASER 60 X2 UNLIMITED	USD 0.00	USD 0.00	USD 0.00	USD 0.00
10	85700	TASER 60 YEAR 1 PAYMENT: X2 UNLIMITED	USD 432.00	USD 4,320.00	USD 1,000.00	USD 3,320.00
10	22501	HOLSTER, BLACKHAWK, RIGHT, X2, 44HT01BK-R-B	USD 0.00	USD 0.00	USD 0.00	USD 0.00
10	22501	HOLSTER, BLACKHAWK, RIGHT, X2, 44HT01BK-R-B	USD 70.54	USD 705.40	USD 0.00	USD 705.40
10	70116	PPM, SIGNAL	USD 0.00	USD 0.00	USD 0.00	USD 0.00
30	22157	CARTRIDGE, PERFORMANCE, SMART, TRAINING, 25'	USD 0.00	USD 0.00	USD 0.00	USD 0.00
30	22151	CARTRIDGE, PERFORMANCE, SMART, 25'	USD 0.00	USD 0.00	USD 0.00	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
1	22013	KIT, DATAPORT DOWNLOAD, USB, X2/ X26P	USD 176.49	USD 176.49	USD 176.49	USD 0.00
<b>Year 1 Total Before Discounts:</b>						USD 5,201.89
<b>Year 1 Discount:</b>						USD 1,176.49
<b>Year 1 Net Amount Due:</b>						USD 4,025.40

Year 2

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	85701	TASER 60 YEAR 2 PAYMENT: X2 UNLIMITED	USD 432.00	USD 4,320.00	USD 0.00	USD 4,320.00
<b>Year 2 Total Before Discounts:</b>						USD 4,320.00
<b>Year 2 Net Amount Due:</b>						USD 4,320.00

Year 3

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	85702	TASER 60 YEAR 3 PAYMENT: X2 UNLIMITED	USD 432.00	USD 4,320.00	USD 0.00	USD 4,320.00
<b>Year 3 Total Before Discounts:</b>						USD 4,320.00
<b>Year 3 Net Amount Due:</b>						USD 4,320.00

Year 4

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	85703	TASER 60 YEAR 4 PAYMENT: X2 UNLIMITED	USD 432.00	USD 4,320.00	USD 0.00	USD 4,320.00
<b>Year 4 Total Before Discounts:</b>						USD 4,320.00
<b>Year 4 Net Amount Due:</b>						USD 4,320.00

Year 5

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	85704	TASER 60 YEAR 5 PAYMENT: X2 UNLIMITED	USD 432.00	USD 4,320.00	USD 0.00	USD 4,320.00
<b>Year 5 Total Before Discounts:</b>						USD 4,320.00
<b>Year 5 Net Amount Due:</b>						USD 4,320.00

<b>Subtotal</b>	USD 21,305.40
<b>Estimated Shipping &amp; Handling Cost</b>	USD 126.96
<b>Grand Total</b>	USD 21,432.36

**Hardware Shipping Estimate**

Typically, hardware shipment occurs between 4 – 6 weeks after purchase date. Product availability for new or high demand products may impact delivery time.

## TASER 60 Sales Terms and Conditions

This quote contains a purchase under the TASER 60 Plan. If your purchase only includes the TASER 60 Plan, CEWs, and CEW accessories, then this purchase is solely governed by the TASER 60 Terms and Conditions posted at: <http://www.axon.com/legal>, and the terms and conditions of Axon's Master Services and Purchasing Agreement do not apply to this order. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

### Axon Enterprise, Inc.'s Sales Terms and Conditions for Direct Sales to End User Purchasers

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and Axon's Master Services and Purchasing Agreement posted at <https://www.axon.com/legal/sales-terms-and-conditions>. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (Print): \_\_\_\_\_ Title: \_\_\_\_\_  
PO# (if needed): \_\_\_\_\_

Quote: Q-134187-2

Please sign and email to Kevin Knudsen at [kknudsen@taser.com](mailto:kknudsen@taser.com) or fax to 480-378-6269

THANK YOU FOR YOUR BUSINESS!

'Protect Life'® and TASER® are registered trademarks of Axon Enterprise, Inc, registered in the U.S.  
© 2013 Axon Enterprise, Inc. All rights reserved.



**Certificate of Destruction**

<b>Agency Name:</b>	_____		
<b>Quote/PO Number:</b>	_____		
<b>Product/ Quantity to be destroyed:</b>	<b>M26:</b> _____	<b>X26:</b> _____	<b>Other:</b> _____

Customer certifies that all products for which Customer receives a trade-up discount will be removed from service to be destroyed and rendered permanently nonfunctional. Destruction of units should be performed according to Customer's policy. Products traded-in may not be resold or redistributed. TASER is not responsible for Product warranty or liability related to traded-in products, reserves the right to invoice Customer for the discounted amount for any device not destroyed, and reserves the right to require verification that destruction has been performed.

**Form completed by:** \_\_\_\_\_  
*Signature (Digital is acceptable or scan)*

\_\_\_\_\_ *Printed name, title*

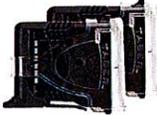
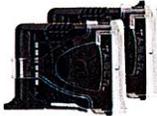
\_\_\_\_\_ *Date*

**Return the signed form to your sales representative along with your purchase order/quote.**

'Protect Life' and the 'Bolt within Circle' logo are trademarks of TASER International, Inc., and TASER is a registered trademark of TASER International, Inc., registered in the U.S. All rights reserved. Copyright 2014, TASER International, Inc.



# TASER 60 UNLIMITED PLAN

		QTY	2017 PRICE LIST	TASER 60 UNLIMITED PLAN
	X2	1	\$1,103.31	Included
	HOLSTERS	1	\$70.54	Included
	EXTENDED WARRANTY (5 YEARS)	1	\$340.92	Included
	3 TRAINING CARTRIDGES/YEAR FOR 5 YEARS (15 TOTAL)	15	\$491.70	Included
	UNLIMITED DUTY CARTRIDGES FOR 5 YEARS	Unlimited	\$337.40*	Included
	PPMS	Unlimited	\$179.98	Included
	<b>TOTAL COST</b>		<b>\$2,523.85</b>	<b>\$36 / Month</b>

**BASIC:** For \$22 (X26P) or \$26 (X2) a month, you'll receive one Smart Weapon under warranty, one battery, on-site spares\*, a holster, and two training cartridges.

**UNLIMITED:** For \$31 (X26P) or \$36 (X2) a month, you'll receive one smart weapon under warranty, a holster, 3 training cartridges/year, unlimited PPMs, and unlimited duty cartridges.

\*Estimated average use of 2 duty cartridges per year.  
 •10 handle minimum for the TASER 60 program eligibility.  
 •As part of the TASER 60 program, you will be billed on an annual basis for your purchase  
 \*Onsite spare devices are provided with the purchase of 30 or more devices.

▲ ▲ AXON, Axon, X26P, X2, TASER, and Ⓞ are trademarks of Axon Enterprise, Inc., some of which are registered in the US and other countries. For more information, visit [www.axon.com/legal](http://www.axon.com/legal). All rights reserved. © 2017 Axon Enterprise, Inc.



# THE TASER X2: IT'S SMART TO HAVE BACKUP



## X2

Powerful 2-shot  
option for increased  
effectiveness

## OUR MOST EFFECTIVE WEAPON EVER

Backup Shot | Warning Arc | Free device management with Evidence Lite

Designed by law enforcement for law enforcement, the TASER X2 incorporates agencies' most requested capabilities, such as a backup shot, dual lasers and the ability to display a warning arc without removing the cartridge. A dependable piece of law enforcement equipment that's feature-rich, simple to use, and easy to transition to from previous models.

800-978-2737 [axon.com/x2](https://www.axon.com/x2)

## X2 FEATURES AND BENEFITS

**BACKUP SHOT:** Protect yourself a second time in the event of a missed shot.

**DUAL LASERS:** Improve accuracy and help take the guesswork out of aiming.

**CROSS-CONNECT:** Improve effectiveness with multiple probe combinations.

**CHARGE METERING:** Have confidence that the device is optimizing the current delivered throughout deployment.

**WEATHER RESISTANCE:** Holds up to rain, humidity and other elements.

**WARNING ARC:** Helps prevent conflict from escalating.

### **AUTOMATIC PERFORMANCE**

**POWER MAGAZINE:** Stop discharge cycle automatically after 5 seconds.

**SELF DIAGNOSTICS:** Monitor weapon status and know if the device is ready for use.

**EVIDENCE.COM INTEGRATION:** Manage weapon data for free with Evidence.com Lite.

**WORKS WITH SIGNAL PPM:** Reports armed status to nearby Axon cameras so they can begin recording.

## X2 SPECIFICATIONS

**WEATHER RESISTANCE** IEC 60529 IPx2 (rain), MIL-STD-810G Method 510.5, Procedure 1 (dust)

**HOUSING** High-impact polymer

**POWER ACTIVATION** Ambidextrous safety switch

**OPERATING TEMPERATURE** - 4° F to 122° F [-20° C to 50° C]

**STORAGE TEMPERATURE** - 4° F to 122° F [-20° C to 50° C]

**DROP TEST** 4 feet

**HUMIDITY** 80% non-condensing

**WARRANTY** 1 year from date of receipt

TASER devices are part of the Axon network

▲, ▲AXON, Axon, Evidence.com, Evidence Lite, Evidence.com Lite, X2, TASER and  are trademarks of Axon Enterprise, Inc., some of which are registered in the US and other countries.

For more information, visit [www.axon.com/legal](http://www.axon.com/legal). All rights reserved. © 2017 Axon Enterprise, Inc.





**NIJ**

Research in

Brief



Police Use of Force, Tasers and Other Less-Lethal Weapons

[www.nij.gov](http://www.nij.gov)

**U.S. Department of Justice  
Office of Justice Programs**

810 Seventh Street N.W.

Washington, DC 20531

**Eric H. Holder, Jr.**  
*Attorney General*

**Laurie O. Robinson**  
*Assistant Attorney General*

**John H. Laub**  
*Director, National Institute of Justice*

This and other publications and products of the  
National Institute of Justice can be found at:

**National Institute of Justice**  
[www.nij.gov](http://www.nij.gov)

**Office of Justice Programs**  
Innovation • Partnerships • Safer Neighborhoods  
[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)

MAY 2011

## Police Use of Force, Tasers and Other Less-Lethal Weapons

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official positions or policies of the U.S. Department of Justice.

This Research in Brief is based primarily on "A Multi-Method Evaluation of Police Use of Force Outcomes," final report to the National Institute of Justice, July 2010, NCJ 231176, available online at <http://www.ncjrs.gov/pdffiles1/nij/grants/231176.pdf>.

This research was supported by grant number 2005-IJ-CX-0056 from the National Institute of Justice.

NCJ 232215

## ABOUT THIS REPORT

This study looked at injuries that occur to law enforcement officers and citizens during use-of-force events. Most applications of force are minimal, with officers using their hands, arms or bodies to push or pull against a suspect to gain control. Officers are also trained to use various other force techniques and weapons to overcome resistance. These include less-lethal weapons such as pepper spray, batons or conducted energy devices (CEDs) such as Tasers. They can also use firearms to defend themselves or others against threats of death or serious bodily injuries.

### What did the researchers find?

This study found that when officers used force, injury rates to citizens ranged from 17 to 64 percent, depending on the agency, while officer injury rates ranged from 10 to 20 percent. Most injuries involve minor bruises, strains and abrasions.

The study's most significant finding is that, while results were not uniform across all agencies, the use of pepper spray and CEDs can significantly reduce injuries to suspects and the use of CEDs can decrease injuries to officers.

The researchers assert that all injuries must be taken seriously. When police in a democracy use force and injury results, concern about police abuse arises, lawsuits often follow and the reputation of the police is threatened. Injuries also cost money in medical bills for indigent suspects, workers' compensation claims for injured officers or damages paid out in legal settlements or judgments.

### What were the study's limitations?

In many cases, agency-supplied injury data did not allow for a detailed analysis of the nature or seriousness of the injuries reported.

*Geoffrey P. Alpert, Michael R. Smith, Robert J. Kaminski,  
Lorie A. Fridell, John MacDonald, and Bruce Kubu*

## Police Use of Force, Tasers and Other Less-Lethal Weapons

### Introduction

Police weaponry has come full circle.

During the middle of the 19th century, police officers in New York and Boston relied on less-lethal weapons, mostly wooden clubs. By late in the century, police departments began issuing firearms to officers in response to better armed criminals. Although firearms are still standard issue, law enforcement agencies are again stressing the use of less-lethal weapons rather than firearms.<sup>1</sup>

The Fourth Amendment forbids unreasonable searches and seizures, and various other legal and policy controls govern how and when officers can use force. Most agencies tightly control the use of force and supervisors or internal affairs units routinely review serious incidents. New technologies have added to the concerns about the use of force by law enforcement.

### New technologies raise questions

During the past 20 years, new technologies have emerged that offer the promise of more effective control over resistive suspects with fewer or less serious injuries. Pepper spray was among the first of these newer less-lethal weapons to achieve widespread adoption by police forces, and more recently, conducted energy devices (CEDs) such as the Taser have become popular.

Taser use has increased in recent years. More than 15,000 law enforcement and military agencies use them. Tasers have caused controversy (as did pepper spray) and have been associated with in-custody deaths and allegations of overuse and intentional abuse. Organizations such as Amnesty International and the American Civil Liberties Union have questioned whether Tasers can be used safely, and what role their use plays in injuries and in-custody deaths.

#### About the Authors

Geoffrey P. Alpert, Ph.D., is professor of criminology and criminal justice at the University of South Carolina. Michael R. Smith, J.D., Ph.D., is professor of political science and dean of the College of Liberal Arts and Social Sciences at Georgia Southern University. Robert J. Kaminski, Ph.D., is associate professor of criminology and criminal justice at the University of South Carolina. Lorie A. Fridell, Ph.D., is associate professor of criminology at the University of South Florida. John MacDonald is associate professor of criminology at the University of Pennsylvania. Bruce Kubu is senior research associate at the Police Executive Research Forum.

*Several studies found that when agencies adopted the use of pepper spray, they subsequently had large declines in assaults on officers and declines in officer and suspect injury rates, and associated injuries were usually minor. Pepper spray provides a way to reduce injuries.*

CEDs such as Tasers produce 50,000 volts of electricity. The electricity stuns and temporarily disables people by causing involuntary muscle contractions. This makes people easier to arrest or subdue. When CEDs cause involuntary muscle contractions, the contractions cause people to fall. Some people have experienced serious head injuries or bone breaks from the falls, and at least six deaths have occurred because of head injuries suffered during falls following CED exposure. More than 200 Americans have died after being shocked by Tasers. Some were normal, healthy adults; others were chemically dependent or had heart disease or mental illness.<sup>2</sup>

Tasers use compressed nitrogen to fire two barbed probes (which are sometimes called darts) at suspects. Electricity travels along thin wires attached to the probes. (A new wireless Taser is also on the market.) Darts may cause puncture wounds or burns. A puncture wound to the eye could cause blindness.<sup>3</sup>

Despite the dangers, most CED shocks produce no serious injuries. A study by Wake Forest University researchers found that 99.7 percent of people who were shocked by

CEDs suffered no injuries or minor injuries only. A small number suffered significant and potentially lethal injuries.

This NIJ-sponsored study included six police departments and evaluated the results of 962 “real world” CED uses. Skin punctures from CED probes were common, accounting for 83 percent of mild injuries.<sup>4</sup>

Policymakers and law enforcement officials want to know whether Tasers are safe and effective, and how (if at all) they should be used to match police use-of-force choices with levels of suspect resistance. This study indicates that CED use actually decreases the likelihood of suspect injury.

## **Previous research on use of force and injuries**

The controversy around Taser use is not unique. Law enforcement agencies found themselves in similar circumstances with pepper spray in the 1990s. Human rights groups such as Amnesty International questioned the safety and misuse of pepper spray as its use spread rapidly in American law enforcement agencies. NIJ

funded various studies on the safety and effectiveness of pepper spray.<sup>5</sup>

Some studies have focused on officer injury. Several found that about 10 percent of officers were injured when force was used.<sup>6</sup> However, two studies of major police departments found officer injury rates of 38 and 25 percent.<sup>7</sup> The agencies with lower rates allowed officers to use pepper spray, while the two with higher rates did not.

A few researchers have looked at how various approaches to force affect officer injury rates.<sup>8</sup> Overall, the empirical evidence shows that getting close to suspects to use hands-on tactics increases the likelihood of officer injuries. Research also shows that suspects have a higher likelihood of injury when officers use canines, bodily force or impact weapons such as batons. Alternatives to bodily force and impact weapons are found in other less-lethal weapons such as pepper spray and CEDs.

### ***Previous studies on pepper spray and CEDs***

**Pepper spray.** Law enforcement agencies rapidly

adopted pepper spray in the late 1980s and early 1990s as an alternative to traditional chemical agents such as tear gas, but its use sparked controversy. Notably, the American Civil Liberties Union of Southern California asserted that pepper spray was causing in-custody deaths. NIJ studies on the link between pepper spray and in-custody deaths found that the deaths were largely a result of positional asphyxia, pre-existing health conditions or were drug related.<sup>9</sup>

Several studies found that when agencies adopted the use of pepper spray, they subsequently had large declines in assaults on officers and declines in officer and suspect injury rates, and associated injuries were usually minor.<sup>10</sup> Pepper spray provides a way to reduce injuries.

**CEDs.** Many law enforcement agencies noted that injury rates for officers and suspects declined after they introduced CEDs.<sup>11</sup>

Medical research, including controlled animal trials and controlled human trials, has produced various insights. Some animal studies were conducted to learn if CED

use could result in ventricular fibrillation. Several studies showed that standard shocks that lasted five to 15 seconds did not induce ventricular fibrillation of the heart. Higher discharges, 15 to 20 times the standard, or those of longer duration — two 40-second exposures — induced fibrillation or increased heart rhythm in some pigs. In addition, longer exposures led to ventricular fibrillation-induced death in three pigs.<sup>12</sup>

Controlled studies involving healthy human subjects (often law enforcement trainees) found that subjects experienced significant increases in heart rates following exposure, but none experienced ventricular fibrillation.<sup>13</sup>

## **NIJ study and recommendations**

NIJ gathered an expert panel of medical professionals to study in-custody deaths related to CEDs. In its report, the panel said that while CED use is not risk free, there is no clear medical evidence that shows a high risk of serious injury or death from the direct effects of CEDs. Field experience with CED use shows that exposure is usually safe. Therefore,

law enforcement agencies need not avoid using CEDs provided they are used in line with accepted national guidelines.<sup>14</sup>

A preliminary review of deaths following CED exposure found that many are associated with continuous or repeated shocks. There may be circumstances in which repeated or continuous exposure is required, but law enforcement officers should be aware that the associated risks are unknown. Therefore, caution is urged in using multiple activations.<sup>15</sup>

The seeming safety margins of CED use on normal healthy adults may not be applicable to small children, those with diseased hearts, the elderly, those who are pregnant and other at-risk people. The use of CEDs against these populations (when recognized) should be avoided, but may be necessary if conditions exclude other reasonable choices.<sup>16</sup>

A suspect's underlying medical conditions may be responsible for behavior that leads law enforcement officers to subdue him or her. Sometimes this includes CED use. Abnormal mental status in a combative or resistive subject, sometimes called

“excited delirium,” may be associated with a risk for sudden death. This should be treated as a medical emergency.<sup>17</sup>

## The national survey

The Police Executive Research Forum conducted a survey of state, county and municipal law enforcement agencies to learn more about less-lethal technologies and related policies and training. More than 500 agencies participated.

Most agencies have a “use-of-force continuum” that is covered in training, where officers learn to use suitable force levels depending on circumstances. For example, an officer might start by using verbal commands when dealing with a suspect. Then an officer might move to soft empty-hand tactics (such as pushing) when faced with lack of cooperation or mild resistance. The continuum covers various circumstances up to the use of firearms.

The survey included various levels of resistance and asked agencies to describe what force they allow in each. Most agencies allow only soft tactics against a subject who refuses, without physical force, to comply

with commands. Just under half allow officers to use chemical weapons at that point. However, if the subject tensed and pulled when an officer tried to handcuff him or her, most agencies would allow chemical agents and hard empty-hand tactics, such as punching. Many also allow for CED use at this point but about 40 percent do not. Almost three-fourths allow CED use if the suspect flees, and almost all allow it when the subject assumes a boxer’s stance. Most agencies do not allow baton use until the subject threatens the officer by assuming the boxer’s stance.

Three-fourths of the surveyed agencies that use CEDs issued them between 2004 and 2006. Most are using Tasers. In most agencies, officers receive four or six hours of training, and 63.7 percent of agencies require that officers experience activation (i.e., get shocked) during training.

Most agencies do not allow CED use against a subject who nonviolently refuses to comply with commands. However, six in 10 allow for CED use against a subject who tenses and pulls when the officer tries to handcuff him or her. Agencies usually

*The seeming safety margins of CED use on normal healthy adults may not be applicable to small children, those with diseased hearts, the elderly, those who are pregnant and other at-risk people. The use of CEDs against these populations (when recognized) should be avoided but may be necessary if conditions exclude other reasonable choices.*

place the CED with chemical agents in their force continuum, meaning that their use is typically approved in the same circumstances in which pepper spray use is allowed. CEDs are usually lower on the continuum than impact weapons.

One facet of the controversy surrounding CED use concerns vulnerable populations and circumstances that pose potentially heightened risk to the subject. For only one circumstance — when a subject is near flammable substances — do most agencies (69.6 percent) ban CED use.

Some 31 percent forbid CED use against clearly pregnant women, 25.9 percent against drivers of moving vehicles, 23.3 percent against handcuffed suspects, 23.2 percent against people in elevated areas and 10 percent against the elderly. However, many agencies, while not forbidding use in these circumstances, do restrict CED use except in necessary, special circumstances.

### ***Analysis of information from specific law enforcement agencies***

Looking at the experiences of specific agencies can yield important information that might otherwise be lost in larger analyses. The researchers used various statistical techniques to identify factors that increase or decrease the odds of injury to officers and suspects alike.

**Richland County Sheriff's Department.** The Richland County Sheriff's Department (RCSD) includes about 475 sworn officers who serve the unincorporated portions of Richland County, S.C. Deputies carry Glock .40 caliber pistols, collapsible metal batons and pepper spray. Increasingly, they also carry the model X-26 Taser. The agency started phasing in Taser use in late 2004. During data collection, about 60 percent of deputies carried Tasers.

Researchers coded 467 use-of-force reports covering the period from January 2005 to July 2006. Of the 49 separate injuries recorded for officers (three officers had more than one injury), 46 involved bruises, abrasions or cuts. The department recorded 92

suspect injuries; 69 of those were bruises, abrasions or cuts. Most of the remaining suspect injuries were dog bites, but three involved broken bones or internal injuries.

Further analysis of the data included identifying how various factors increased or decreased the risk of injury to officers or suspects. The use of soft empty-hand techniques by an officer, active aggression by a suspect and suspect use of deadly force all increased the risk for deputies.

Soft empty-hand control was the most frequent force level used by deputies, occurring in 59 percent of all use-of-force incidents. These techniques increased the odds of officer injury by 160 percent. Thus, deputies were at greatest risk for injury when using the least force possible.

Two variables significantly decreased the risk for suspects. Pepper spray use decreased the odds of suspect injury by almost 70 percent, and a deputy aiming a gun at a suspect reduced injury odds by more than 80 percent (because the act of pointing a gun alone often effectively ends the suspect's resistance).

However, the use of a canine posed, by far, the greatest injury risk to suspects, increasing injury odds by almost 40 fold. Suspects who displayed active aggression toward deputies were also more likely to suffer injuries. CED use had no effect on the likelihood of injury; this is inconsistent with the experiences of other agencies, suggesting that not every agency's experience with the Taser will be the same.

### **Miami-Dade Police**

**Department.** The department has about 3,000 officers, is the largest law enforcement agency in the Southeast and is one of the largest departments that has never issued pepper spray to its officers.<sup>18</sup>

The researchers examined 762 use-of-force incidents involving a lone officer and a lone suspect that occurred between January 2002 and May 2006. About 70 percent of the officers carried Tasers by May 2006. Officers were substantially less likely to be injured than suspects, with 16.6 percent (124) of officers injured and 56.3 percent (414) of suspects injured. Most injuries were minor, but 73 suspects (17 percent)

suffered serious injuries. Minor injuries included bruises, sprains and lacerations. Major injuries included bites, punctures, broken bones, internal injuries and gunshot wounds.

The department does not issue pepper spray to its line officers, and there were few incidents involving guns or batons. Analysis of the incidents found that the use of both soft-hand tactics and hard-hand tactics by officers more than doubled the odds of officer injury. Conversely, CED use was associated with a 68-percent reduction in the odds of officer injury.

As for suspects, hands-on tactics increased the odds of injury, the use of canines greatly increased the odds and CED use substantially decreased the odds.

#### **Seattle Police Department.**

The Seattle Police Department has about 1,200 sworn officers. The agency started using Tasers in December 2000. Other less-lethal weapons include pepper spray, batons and shotgun beanbag rounds. The department recorded 676 use-of-force incidents between Dec. 1, 2005, and Oct. 7, 2006. Suspects suffered injuries in 64 percent of the

incidents, while officers suffered injuries in 20 percent of the incidents. Officers used hands-on tactics in 76 percent of the incidents. The next most frequent type of force officers used was the Taser (36 percent), followed by pepper spray (8 percent).

Suspects were impaired by alcohol, drugs or mental illness in 76 percent of the incidents. Just over half (52 percent) of the suspects were nonwhite, and 95 percent were male. Analysis of the data revealed that Taser use was associated with a 48-percent decrease in the odds of suspect injury but did not affect officer injury.

The use of unarmed tactics by officers increased the odds of officer injury 258 percent. The odds of officer injury increased significantly when suspects resisted using physical force or the use or threat of use of a weapon.

Although results were not uniform across the agencies, the analysis shows that the use of pepper spray and CEDs can have a significant and positive injury-reduction effect.

Interestingly, nonwhite suspects were less likely to be injured than whites in both

agencies (Miami and Seattle) where suspects' race was available as a variable for analysis. Another important finding concerns the use of canines. While canines were used rarely, their use substantially increased the risk of injury to suspects in two of the agencies.

### ***Combined agency analysis and its limitations***

The researchers also conducted a combined analysis of use-of-force data from 12 large local law enforcement agencies.<sup>19</sup> The full report gives a detailed description of the information available and the limits of the data. Most agencies, for example, had details about demographic characteristics of suspects, but only four had officer demographic information. Moreover, the Miami-Dade Police Department did not use pepper spray while San Antonio did not use CEDs.

Despite the limitations, the study's use of a large sample, representing more than 25,000 use-of-force incidents, allowed the researchers to use statistical techniques in an effort to learn which variables are likely to affect injury rates to officers and suspects. The use of physical force (hands, feet, fists)

by officers increased the odds of injury to officers and suspects alike. However, pepper spray and CED use decreased the likelihood of suspect injury by 65 and 70 percent respectively. Officer injuries were unaffected by CED use, while the odds of officer injury increased about 21 percent with pepper spray use.

The researchers noted the 12-agency analysis yielded puzzling results about the relationship between pepper spray use and officer injury rates. Those results are inconsistent with the single agency analysis. More research may explain the differences.

### ***Longitudinal analysis***

The researchers reviewed use-of-force information from police departments in Austin, Texas, and Orlando, Fla., to learn how introducing CEDs affected injury rates. This quasi-experimental approach tracked injuries before and after CED introduction.

The Orlando data include 4,222 incidents covering 1998 to 2006. CED use began in February 2003. The Austin data includes 6,596 incidents from 2002 to 2006. However, CED use was

phased in beginning in 2003 and was not completed until June 2004. A large drop in injury rates for suspects and officers alike occurred in both cities following CED introduction.

In both cities, Taser adoption was associated with a statistically significant drop in average monthly injuries to suspects. In Orlando, the suspect injury rate dropped by more than 50 percent compared to the pre-Taser injury rate. In Austin, suspect injury rates were 30 percent lower after full-scale Taser deployment.

In Orlando, the decline in officer injury rates were even greater than for suspects; the average monthly rate dropped by 60 percent after Taser adoption. In Austin, officer injuries dropped by 25 percent.

### ***Interviews with officers and suspects***

Researchers conducted interviews with 219 officers from South Carolina's Richland County Sheriff's Department, 35 from the Columbia Police Department (CPD), and 35 suspects involved in use-of-force situations to supplement and add a qualitative context to their quantitative

analyses. Generally, they tried to contact officers and suspects within 48 hours of receiving a use-of-force report. Interviews were voluntary, and some officers and suspects declined to participate.

In nine out of 105 use-of-force incidents, Richland County Sheriff's Department officers reported that a Taser did not work properly or did not have the desired effect. In addition, researchers received reports of multiple Taser hits on a suspect and multiple uses of the Taser in "drive stun" mode (when the Taser is pressed against a suspect rather than firing darts) to control suspects (or, based on the suspects' reports, as punishment). These reports indicate that some officers are using Tasers multiple times during an encounter.

Nine percent of the officers reported injuries, almost all of which were scrapes, cuts or bruises suffered while struggling with resistant suspects. Officers also reported that 26 suspects (12 percent) were injured. Most suspect injuries were cuts or abrasions, but there were also two dog bites, and one suspect was shot in the arm after firing at officers.

In 22 cases, researchers interviewed both the officers and suspects involved in an incident. Most suspects said officers used excessive or unnecessary force to subdue them. Some suspects said officers used Tasers quickly, and several said the officers enjoyed watching them endure the pain. Some suspects said officers kned them in the back and kicked or punched them after they were in handcuffs. Some also said officers used Tasers on them after they were handcuffed.

Suspects often tell a different story than the officers who arrest them. In almost all cases, suspects said officers used excessive force and that they were not resisting arrest. The officers, for their part, said they used minimal force to control suspects, and did not mention using force after a suspect was under control. Officers reported that the force used was necessary and reasonable. In a typical account, a suspect said he was unaware there was a warrant out for his arrest, and when police confronted him, he did not resist. He said the officers “pushed me to the ground and put the cuffs on ... they didn’t have

to do that to me.” He said that all the officers had to do was tell him to “quit acting up.” He complained that officers should just have told him to calm down instead of pushing him to the ground. By contrast, they said the suspect ran away when confronted, so they tackled him. These kinds of contradictions were common; suspects said they did not resist, and officers provided justification for the force levels they used.

In other cases, suspects and officers offered radically different versions of events. For example, in one case, an officer said he saw several traffic violations and the suspects sped off and stopped, with one suspect running away. The officers said the driver then tried to exit the vehicle from the passenger’s side holding a shotgun. One officer pointed his weapon at the suspect, who then dropped the shotgun. The suspect failed to mention the shotgun to researchers and only complained that officers put the handcuffs on too tightly and slammed him around in the back of the transport vehicle.

Unlike the Richland County Sheriff’s Department, the

Columbia Police Department did not use Tasers. The officers described 35 use-of-force incidents. Three officers reported that pepper spray was ineffective. In all three cases, the suspects were either drunk or high on drugs. One case, in particular, highlighted the potential advantages of the Taser over pepper spray in some circumstances. In that case, a 6'7", 370-pound man wanted for domestic violence charged an officer with a metal object in his hand. The officer used pepper spray, but it had no effect. The suspect then retreated to the apartment kitchen and grabbed a knife. The officers pointed their guns at him and ordered him to drop the knife, but he refused. He cut and stabbed himself with the knife while the officers waited for another agency to arrive that was equipped with a Taser. The suspect cut himself more than 100 times before the South Carolina Law Enforcement Division arrived and used a Taser on him. The Taser had an instant effect, and officers were then able to handcuff the suspect.

Most injuries in both agencies occurred when officers and suspects struggled on

the ground. The differences between the agencies were striking. RCSD equips most of its deputies with Tasers. The deputies collectively reported fewer injuries to themselves and suspects from ground fighting than did CPD officers. CPD did not issue Tasers, and 31 percent of its officers reported getting cuts, scrapes and bruises from wrestling with suspects on the ground. The prevalence of ground fighting injuries among RCSD officers (less than nine percent) was lower, as were injuries to suspects caused by contact with the ground. Some of the injuries could have been prevented had officers used Tasers instead of hands-on tactics.

### ***Implications for policy, training and future research***

Because of the controversial nature and widespread use of CEDs, the researchers explored their use in detail and made recommendations, based on the findings, for whether and how CEDs should fit into the range of less-lethal force alternatives available to law enforcement officers.

## Factors affecting injuries

### *Physical force*

The findings clearly show the use of physical force and hands-on control increase the risk of injury to officers and suspects. In Richland County, S.C., soft empty-hand control significantly increased the odds of injury to officers, while hard empty-hand tactics increased the risk of injury to suspects. In Miami-Dade, both types of force increased the risk of injury to both officers and suspects. In Seattle, use of force increased injury risk to officers but not to suspects, while the overall analysis (of 12 agencies) showed increased injury risk to suspects and especially to officers associated with physical force. This increased risk was large. When controlling for the use of CEDs and pepper spray in the overall analysis, using force increased the injury odds to officers by more than 300 percent and to suspects by more than 50 percent.

### *Suspect resistance*

Increasing levels of suspect resistance were associated with an increased risk of

injury to officers and suspects. The increased injury risk was especially acute for officers. In Richland County, active aggression and threats of deadly force increased the odds of officer injury by more than 100 percent. The odds of suspect injury were unchanged in Seattle with increased resistance levels. These findings suggest that officers, rather than suspects, face the most increased injury risk when suspects resist more vigorously.

### *Pepper spray*

The findings suggest that, at least for suspects, pepper spray use reduces the likelihood of injury. In Richland County, pepper spray use reduced the odds of suspect injury by 70 percent but did not affect officer injuries. In Seattle, pepper spray use had no effect on injury rates for officers or suspects. However, the overall analysis (of 12 agencies) showed that pepper spray use reduced the likelihood of injury to suspects by 70 percent, which was even more than the decline noted with CEDs (see below). For officers, pepper spray use increased the likelihood of injury by 21 to 39 percent. This finding

was unexpected, and more research may help to explain how officers choose to use pepper spray versus CEDs.

### ***CEDs***

Except for in Richland County where its effects were insignificant, CED use substantially decreased the likelihood of suspect injury. In Miami-Dade, the odds of a suspect being injured were almost 90 percent lower when a CED was used than when it was not. Similarly, the odds of suspect injury went down by almost 50 percent when CEDs were used in Seattle. The larger analysis of 12 agencies and more than 24,000 use-of-force cases showed the odds of suspect injury decreased by almost 60 percent when a CED was used. In Richland County, Seattle, and in the larger analysis, Taser use had no effect on officer injuries, while in Miami-Dade, officer injuries were less likely when a Taser was used. Controlling for other types of force and resistance, CED use significantly reduced the likelihood of injuries. CED adoption by the Orlando and Austin police departments reduced injuries to suspects and officers over time.

### ***Demographic characteristics***

Apart from officer force and suspect resistance, few other factors influenced injury outcomes. In Miami-Dade, male suspects were twice as likely to be injured as females. The same held true for the 12-agency analysis. In that larger analysis, the presence of a male suspect slightly increased injury risk to officers. In Seattle, female officers were more than twice as likely to be injured as male officers.

### ***Placement of pepper spray and CEDs on a linear use-of-force continuum***

People rarely die after being pepper sprayed or shocked with a Taser. However, if injury reduction is the primary goal, agencies that allow use of these less-lethal weapons are clearly at an advantage. Both weapons prevent or minimize the physical struggles that are likely to injure officers and suspects alike. Although both cause pain, they reduce injuries, and according to current medical research, death or serious harm associated with their

use is rare. In that sense, both are safe and similarly effective at reducing injuries. Both should be allowed as possible responses to defensive or higher levels of suspect resistance. This recommendation is supported by the findings and is now followed by most agencies that responded to the national survey.

## Policy and training issues related to CEDs

CEDs were used far more often (four to five times more often) than pepper spray among agencies that equipped officers with CEDs and were sometimes used at rates that exceeded empty-hand control. Unlike pepper spray, CEDs do not require decontamination and do not carry the risk of accidental “blow back” that often occurs with pepper spray use. However, they do entail the removal of prongs and the potential for an unintended shock to an officer. Even with these concerns, they are rapidly overtaking other force alternatives. Although the injury findings suggest that substituting CEDs for physical control tactics may be useful, their ease of use and popularity among officers raise the specter of overuse.

The possible overuse of CEDs has several dimensions. CEDs can be used inappropriately at low levels of suspect resistance. Law enforcement executives can manage this problem with policies, training, monitoring and accountability systems that provide clear guidance (and consequences) to officers regarding when and under what circumstances CEDs should be used, or when they should not be used.

Besides setting the resistance threshold appropriately, good policies and training would require that officers evaluate the age, size, gender, apparent physical capabilities and health concerns of a suspect. In addition, policies and training should prohibit CED use in the presence of flammable liquids or in circumstances where falling would pose unreasonable risks to the suspect (in elevated areas, adjacent to traffic, etc.). Policies and training should address the use of CEDs on suspects who are controlled (e.g., handcuffed or otherwise restrained) and should either prohibit such use outright or limit them to clearly defined, aggravated circumstances.

In addition to being used too often, CEDs can be used too much. Deaths associated with CED use often involve multiple Taser activations (more than one Taser at a time) or multiple five-second cycles from a single Taser. CED policies should require officers to assess continued resistance after each standard cycle and should limit use to no more than three standard cycles. Following CED deployment, the suspect should be carefully observed for signs of distress and should be medically evaluated at the earliest opportunity.

### **Directions for future research**

CEDs can be used too much and too often. A critical research question focuses on the possibility of officers becoming too reliant on CEDs. During interviews with officers and trainers, the researchers heard comments that hinted at a “lazy cop” syndrome. Some officers may turn to a CED too early in an encounter and may rely on a CED rather than rely on the officer’s conflict resolution skills or even necessary hands-on applications. Research should explore how officers who have CEDs perceive threats,

compared to officers who do not have them. In addition, it is important to determine when, during an encounter, an officer deploys the CED.

Another important CED-related research project would be a case study of in-custody deaths involving CED use and a matched sample of in-custody deaths when no CED use occurred. Advocacy groups argue that CEDs can cause or contribute to suspect deaths. The subjects in CED experimental settings have all been healthy people in relatively good physical condition who are not under the influence of alcohol or drugs. There is no ethical way to expose overweight suspects who have been fighting or using drugs to the effects of CEDs, so an examination of cases where similar subjects lived and died may shed some light on the reasons for the deaths. Law enforcement officials typically argue that most if not all the subjects who died when shocked by a CED would have died if the officers had controlled and arrested them in a more traditional hands-on fight. At this point, the argument is rhetorical and research is needed to understand the differences and similarities in cases where suspects died

in police custody, including deaths where a CED may or may not have been involved.

Finally, female officers in Seattle were more than twice as likely to suffer injuries as males. Perhaps the finding in Seattle is an anomaly, but it should be investigated further.

## Notes

1. Police Executive Research Forum, "Comparing Safety Outcomes in Police Use-of-Force Cases for Law Enforcement Agencies That Have Deployed Conducted Energy Devices and a Matched Comparison Group That Have Not: A Quasi-Experimental Evaluation," report submitted to the National Institute of Justice, grant number 2006-IJ-CX-0028, 2009: 13.
2. <http://www.ojp.usdoj.gov/nij/topics/technology/less-lethal/how-ceds-work.htm>.
3. Ibid.
4. <http://www.ojp.usdoj.gov/nij/topics/technology/less-lethal/monitoring-ced-use.htm>.
5. Edwards, S.M., J. Granfield, and J. Onnen, *Evaluation of Pepper Spray*, Research in Brief, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, February 1997, NCJ 162358; Granfield, J., J. Onnen, and C.S. Petty, *Pepper Spray and In-Custody Deaths*, Alexandria, Va.: International Association of Chiefs of Police, 1994; Petty, C.S., "Deaths in Police Confrontations When Oleoresin Capsicum Is Used," final report, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2004, NCJ 204029.
6. Henriquez, M., "IACP National Database Project on Police Use of Force," in *Use of Force by Police: Overview of National and Local Data*, Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics, 1999: 19-24; Kaminski, R., C. DiGiovanni, and R. Downs, "The Use of Force Between the Police and Persons With Impaired Judgment," *Police Quarterly*, 7 (2004): 311-338; Smith, M.R., and M. Petrocelli, "The Effectiveness of Force Used by Police in Making Arrests," *Police Practice and Research*, 3 (2002): 201-215.
7. Alpert, G.P., and R.G. Dunham, "Analysis of Police Use-of-Force Data," final report, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2000, NCJ 183648; Alpert, G.P., and R.G. Dunham, *Understanding Police Use of Force: Officers, Suspects, and Reciprocity*, Cambridge, NY: Cambridge University Press, 2004; Kaminski, R.J., and D.W.M. Sorensen, "A Multivariate Analysis of Individual, Situational, and Environmental Factors Associated with Police Assault Injuries," *American Journal of Police*, 14 (3/4) (1995): 3-48.
8. See, e.g., Alpert and Dunham, 2000, note 7.
9. Granfield, Onnen, and Petty, 1994, note 5; Petty, 2004, note 5.
10. Edwards, Granfield, and Onnen, 1997, note 5; Kaminski, R.J., S.M. Edwards, and J.W. Johnson, "Assessing the Incapacitative Effects of Pepper Spray During Resistive Encounters With the Police,"

- Policing: An International Journal of Police Strategies and Management*, 22 (1999): 7-29; Lumb, R.C., and P.C. Friday, "Impact of Pepper Spray Availability on Police Officer Use-of-Force Decisions," *Policing: An International Journal of Police Strategies and Management*, 20 (1997): 136-148; National Institute of Justice, *The Effectiveness and Safety of Pepper Spray*, Research for Practice, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2003, NCJ 195739; Nowicki, E., "Oleoresin Capsicum: A Non-Lethal Force Alternative," *Law Enforcement Technology*, 20 (1993): 24-27; Smith and Petrocelli, 2002, note 6.
11. Charlotte-Mecklenburg Police Department, *Taser Project: First Year—Full Deployment Study*. Charlotte, N.C.: Charlotte-Mecklenburg Police Department, 2006; Hougland, S., C. Mesloh, and M. Henych, "Use of Force, Civil Litigation, and the Taser," *FBI Law Enforcement Bulletin*, 74 (2005): 24-30; Jenkinson, E., C. Neeson, and A. Bleetman, "The Relative Risk of Police Use-of-Force Options: Evaluating the Potential for Deployment of Electronic Weaponry," *Journal of Clinical Forensic Medicine*, 13 (2005): 229-241.
12. Dennis, A.J., D.J. Valentino, R.J. Walter, K.K. Nagy, J. Winners, F. Bokhari, D.E. Wiley, K.T. Joseph, and R.R. Roberts, "Acute Effects of TASER X26 Discharges in a Swine Model," *The Journal of Trauma, Injury, Infection and Critical Care*, 63 (2007): 581-590; Esquivel, A., E. Dawe, J. Sala-Mercado, R. Hammond, and C. Bir, "The Physiological Effects of a Conducted Electrical Weapon in Swine," *Annals of Emergency Medicine*, 50 (2007): 576-583; Ho, J.D., J.R. Miner, D.R. Lakireddy, L.L. Bultman, and W.G. Heegaard, "Cardiovascular and Physiologic Effects of Conducted Electrical Weapon Discharge in Resting Adults," *Academic Emergency Medicine*, 13 (2006): 589-595; Lakireddy, D., D. Wallick, A. Verma, K. Ryschon, W. Kowalewski, O. Wazni, J. Butany, D. Martin, and P.J. Tchou, "Cardiac Effects of Electrical Stun Guns: Does Position of Barbs Contact Make a Difference?" *Pacing and Clinical Electrophysiology*, 31 (2008): 398-408; McDaniel, W.C., R.A. Stratbucker, M. Nerheim, and J.E. Brewer, "Cardiac Safety of Neuromuscular Incapacitating Defensive Devices," *Pacing and Clinical Electrophysiology*, 28 (2005): s284-s287; Nanthakumar, K., I.M. Billingsley, S. Masse, P. Dorian, D. Cameron, V.S. Chauhan, E. Downar, and E. Sevattidis, "Cardiac Electrophysiological Consequences of Neuromuscular Incapacitating Device Discharges," *Journal of the American College of Cardiology*, 48 (2006): 798-804; Roy, O.Z., and A.S. Podgorski, "Tests on a Shocking Device — The Stun Gun," *Medical and Biological Engineering and Computing*, 27 (1989): 445-448; Stratbucker, R., R. Roeder, and M. Nerheim, "Cardiac Safety of High Voltage Taser X26 Waveform," *Engineering in Medicine and Biology Society, Proceedings of the 25th Annual International Conference of the IEEE EMBS, Cancun, Mexico, 1094-678X*, 4 (2003): 3261-3262; Walter, R., A. Dennis, D. Valentina, B. Margeta, K. Nagy, F. Bokhari, D. Wiley, K. Joseph, and R. Roberts, "TASER X26 Discharges in Swine Produce Potentially Fatal Ventricular Arrhythmias," *Academic Emergency Medicine*, 15 (2008): 66-73.
13. Dawes, D.M., J.D. Ho, M.A. Johnson, E. Lundin, T.A. Janchar, and J.R. Miner, "15-Second Conducted Electrical Weapon Exposure

- Does Not Cause Core Body Temperature Elevation in Non-Environmentally Stressed Resting Adults," *Forensic Science International*, 176 (2008): 253-257; Dawes, D.M., J.D. Ho, and J.R. Miner, "The Effect of a Cross-Chest Electronic Control Device Exposure on Breathing," *Annals of Emergency Medicine*, 54 (2008): 65; Dawes, D.M., J.D. Ho, M.A. Johnson, E. Lundin, and J.R. Miner, "15-second Conducted Electrical Weapon Application Does Not Impair Basic Respiratory Parameters, Venous Blood Gases, or Blood Chemistries and Does Not Increase Core Body Temperature," *Annals of Emergency Medicine*, 50 (2007): 6; Dawes, D.M., J.D. Ho, M.A. Johnson, E. Lundin, and J.R. Miner, "Breathing Parameters, Venous Blood Gases, and Serum Chemistries With Exposure to a New Wireless Projectile Conducted Electrical Weapon in Human Volunteers," *Annals of Emergency Medicine*, 50 (2007): 133; Ho, J.D., D.M. Dawes, L.L. Bultman, J.L. Thacker, L.D. Skinner, J.M. Bahr, M.A. Johnson, and J.R. Miner, "Respiratory Effect of Prolonged Electrical Weapon Application on Human Volunteers," *Academic Emergency Medicine* 14 (3) (2007): 197-201; Ho, J.D., J.R. Miner, D.R. Lakireddy, L.L. Bultman, and W.G. Heegaard, "Cardiovascular and Physiologic Effects of Conducted Electrical Weapon Discharge in Resting Adults," *Academic Emergency Medicine*, 13 (2007): 589-595; Ho, J.D., D.M. Dawes, R.F. Reardon, A.L. Lapine, and J.R. Miner, "Echocardiographic Determination of Cardiac Rhythm During Trans-Thoracic Wireless Conducted Electrical Weapon Exposure," *Annals of Emergency Medicine*, 52 (2008): 62; Levine, S.D., C. Sloane, T.C. Chan, J. Dunford, and G. Vilke, "Cardiac Monitoring of Human Subjects Exposed to the Taser," *Journal of Emergency Medicine*, 13 (2007): 47; Levine, S.D., C. Sloane, T.C. Chan, G. Vilke, and J. Dunford, "Cardiac Monitoring of Subjects Exposed to the Taser," *Academic Emergency Medicine*, 12 (2005): 71; Vilke, G.M., C. Sloane, K.D. Bouton, F.W. Kolkhorst, S. Levine, T. Neuman, E. Castillo, and T.C. Chan, "Physiological Effects of a Conducted Electrical Weapon on Human Subjects," *Annals of Emergency Medicine*, 26 (2007): 1-4.
14. National Institute of Justice, *Study of Deaths Following Electro Muscular Disruption*, Special Report, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2011: 3, NCJ 233432.
15. *Ibid.*, 4.
16. *Ibid.*
17. *Ibid.*, 5.
18. The MDPD provides police services to the unincorporated areas of Miami-Dade County, Fla., which together contain more than 1 million people in a 1,840 square mile area.
19. The agencies included police and sheriff's departments in Austin, Texas; Cincinnati, Ohio; Harris County, Texas; Hillsborough County, Fla.; Los Angeles (both the city and the county); Miami-Dade, Fla.; Nashville, Tenn.; Orlando, Fla.; Richland County, S.C.; San Antonio, Texas; and Seattle, Wash.

Today, more than 12,000 law enforcement agencies in the United States use conducted energy devices (CEDs) as an alternative to conventional physical control tactics or other means of subdual. An NIJ-sponsored expert panel, convened to evaluate the safety and effectiveness of CEDs, issued its final report in May 2011. The panel concluded that law enforcement officers need not refrain from using CEDs to place uncooperative and combative subjects in custody provided that the CEDs are used in accordance with accepted national guidelines and an appropriate use-of-force policy. In its report, the panel concluded that field use of CEDs is safe in the vast majority of cases and creates less risk of injury — to officers and suspects alike — than other options of subduing uncooperative persons.

In addition to investigating the effects of CEDs, the panel issued recommendations for their use. Among these were to apply CEDs for no longer than 15 seconds at a time and to limit the number of discharges to the fewest needed to control the suspect. The panel also said that, regardless of how long the CED exposure lasts, some form of medical screening and ongoing observation of individuals exposed to CEDs is crucial. Screening should start at the scene and individuals should continue to be monitored in custody for abnormal physical and behavioral changes.

CEDs, such as Tasers, generate 50,000 volts of electricity. The electricity stuns and temporarily incapacitates people by causing involuntary muscle contractions. This makes people easier to arrest or subdue. Widespread police adoption of CEDs has been driven by two major beliefs: that CEDs facilitate arrests when suspects actively resist and that they are safer than other use-of-force options. Independent researchers studying law enforcement agencies that deploy CEDs have concluded that, when used appropriately by properly trained officers, CEDs have reduced injuries to officers and suspects in use-of-force encounters and reduced use of deadly force.

Nonetheless, a number of individuals have died after exposure to a CED. Some were healthy adults; many were chemically intoxicated or had some underlying medical condition. These deaths have caused law enforcement personnel and the public to ask questions about the safety of CEDs.

To answer these questions, NIJ, in cooperation with the College of American Pathologists, the Centers for Disease Control and Prevention, and the National Association of Medical Examiners, conducted a study to address whether CEDs can contribute to or be the primary cause of death and, if so, how.

To support the study, an expert medical panel was formed, composed of forensic pathologists, medical examiners and specialists in cardiology, emergency medicine, epidemiology and toxicology. The panel reviewed 300 subdual cases in which a CED was used and later the person died.

In the vast majority of these cases, the original medicolegal investigations concluded that CED exposure was not the cause of death. The panel conducted in-depth reviews of 22 of those 300 cases and reviewed approximately 175 peer-reviewed articles on the physiological effects of CEDs. The panel's report provides findings concerning death investigation, CED use, CED-related health effects and medical response to the use of CEDs. The panel determined that there is no conclusive medical evidence in the current body of research literature that indicates a high risk of serious injury or death to humans from the direct or indirect cardiovascular or metabolic effects of short-term CED exposure in healthy, non-stressed, non-intoxicated persons.

Field experience with CED use indicates that short-term exposure is safe in the vast majority of cases. According to the final report, the risk of death in a CED-related use-of-force incident in the general population is less than 0.25 percent (one in 400). The report notes that, based on the panel's review and confirmation of the findings of the original death investigations of 300 deaths following CED exposure, it is reasonable to conclude that CEDs do not cause or contribute to death in the large majority of cases.

The panel concluded that, in general, the stress of receiving a CED discharge is comparable to the stress from otherwise being physically restrained or subdued. Verbal altercation, physical struggle and physical restraint all generate stress that may heighten the risk of sudden death in individuals who have a pre-existing cardiac condition or certain other diseases.

Unlike the risk of secondary injury (e.g., injuries due to falling as a result of CED exposure, discussed below), the risk of death directly or primarily due to the electrical effects of CED application has not been conclusively demonstrated. The literature suggests a substantial safety margin with respect to the use of CEDs when they are used according to the manufacturer's instructions. The possibility that the effects of a CED can be directly lethal in some cases, however, cannot be excluded — though not conclusively demonstrated, plausible mechanisms of injury exist. There are anecdotal cases in which no other significant risk factor for death is known and the timing of death provides circumstantial evidence that the CED's application was the cause of death. As such, there remains at least a theoretical possibility that in rare cases, CED application could be directly or primarily responsible for death due to a confluence of unlikely circumstances.

The report states that the risk of significant injury from CEDs is also low (0.5–0.7 percent). Significant injuries associated with CED use documented in the studies reviewed by the panel included puncture wounds from CED darts (including wounds to the eye, throat and skull resulting in loss of vision, unconsciousness and seizures requiring medical care) and falls related to muscular incapacitation or intense muscle contraction.

The panel highlighted the possibility of secondary injuries resulting from the use of CEDs on tall structures or steep slopes, where individuals exposed to a CED could fall; near flammable materials (including gasoline, explosives, aerosols and propellants) that a spark from a CED could ignite; and in water, where submersion could lead to drowning. The use of CEDs also presents a risk of interfering with implantable cardiac devices, such as pacemakers, although no bad outcomes have been reported. Furthermore, the physiological effects of prolonged or repeated CED exposure are not fully understood.

The panel acknowledged that there may be circumstances in the field that require repeated or continuous exposure to a CED discharge. They emphasized that law enforcement personnel must be made aware that the associated risks are unknown and most deaths associated with CED use involved multiple or prolonged discharges. The report states that it is critical that law enforcement officers minimize or avoid multiple or prolonged activations of CEDs as a means of subduing an individual. The report also states that the safety margins of CED use in healthy adults may not apply to everyone. The effects of CED exposure on small children, those with diseased hearts, the elderly, pregnant women and other potentially at-risk individuals are not clearly understood, and more data are needed. Law enforcement personnel should minimize or avoid use of a CED on members of these populations.

In addition to recommendations governing the use of CEDs, the panel issued advice in the event a death occurs following the use of a CED. The panel recommended that all deaths following deployment of a CED should be subject to a complete medicolegal investigation. This investigation should include an autopsy by a forensic pathologist and a medically objective investigation independent of law enforcement. In addition to the conventional information collected in a death investigation, investigators should collect information specific to the CED-related death, such as the manner in which CED darts or prongs were applied and where they were applied.

Finally, the panel recommended that law enforcement personnel maintain an ongoing dialogue with medical examiners or coroners and emergency physicians to discuss effects of all use-of-force applications, including those involving CEDs, and evaluate procedures involving life preservation, injury prevention and evidence collection.

**NIJ Journal No. 268, October 2011**

NCJ 235894

**Brian Higgins** is a writer and editor at Lockheed Martin Corporation, which has a communications support contract with the Office of Justice Programs.



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 6C**

---

**DATE:** January 16, 2018

**SUBJECT:** RESOLUTION 4877(35) - to consider approval of a Certified Survey Map for property located at 100 and 124 S. Dodge Street.

**SUBMITTED BY:** Gregory Guidry, Building Inspector

---

**BACKGROUND/HISTORY:**

This item, and the following agenda item, both pertain to 100 and 124 S. Dodge Street.

This resolution is to consider recommending approval of a Certified Survey Map application from Casey's Marketing Company for property located at 100 and 124 S. Dodge Street, which is the vacant parcel and Vorpagel property. This CSM, drafted by Lee S. Sprecher, WLS, seeks to combine two lots into one parcel. The applicant is proposing to construct a convenience store and gas station. The project proposes to combine two parcels into one parcel. This parcel combination will be achieved through a land consolidation that dissolves the shared property line between the two parcels. The resulting parcel will be 1.64 acres in size. The construction plan includes a 4,600 square foot Casey's General Store, a fuel canopy with eight fuel islands, two underground fuel storage tanks, a trash enclosure, and a parking lot with 47 spaces for customers and employees.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Plan Commission and City Staff recommend approval of this Certified Survey Map.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the January 16, 2018 Committee of the Whole meeting and is scheduled for final consideration at the February 6, 2018 Common Council meeting.

---

**Attachments**

Res 4877(35) CSM Dodge Street  
CSM map

---

**RESOLUTION NO. 4877(35)**  
**Introduced by: Committee of the Whole**

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP IN THE CITY OF BURLINGTON  
FOR PROPERTY LOCATED AT 100 AND 124 S. DODGE STREET**

**WHEREAS**, the Plan Commission of the City of Burlington has reviewed a Certified Survey Map (CSM) for property described as:

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76170

Parcel A:

Lot 2 of Certified Survey Map No. 1178, Recorded November 10, 1986 in the office of the Register of Deeds for Racine County, Wisconsin in Volume 3 of Certified Survey Maps, Pages 453-454, as Document No. 1210923, being Block 66 and Southerly 1/2 of Vacated East State Street of the Original Plat of Burlington, as recorded in the office of the Register of Deeds for Racine County, Excepting the Easterly 27 feet thereof, being part of the South 1/2 of the Northeast 1/4 of Section 32, Township 3 North, Range 19 East, of the 4th P.M. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

Parcel B:

Perpetual Easement for Ingress and Egress, identified as Easement # 1 in Reciprocal Easement Agreement recorded December 1, 1986 in Volume 1833 of Records, Page 565 as Document No. 1212693.

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76171

Lot 1 of Certified Survey Map No. 1178 in Volume 3 Pages 453-454, as recorded in the office of the Register of Deeds for Racine County, Wisconsin on November 10, 1986 as Document No. 1210923, being a part of Lots 5, 6, 7, and 8, Block 66, Original Plat of Burlington according to the recorded plat thereof. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

**ALSO DESCRIBED AS:**

All of Lots 1 and 2 as designated upon C.S.M. No. 1178, recorded November 10, 1986 in Volume 3 of Certified Survey Maps on Pages 453 & 454 in the Register's Office of Racine County, Wisconsin, said C.S.M. being in part of the South Half of the Northeast

Quarter of Section 32, Township 3 North, Range 19 East of the Fourth Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1 of said C.S.M. No. 1178, said point being the intersection of the Northerly line of a public road designated Dodge Street with the Northerly line of a public road designated Adams Street; thence North 26 degrees 04 minutes 56 seconds West along the Westerly line of said Lots 1 & 2 of said C.S.M. No. 1178 and the Northerly line of said Dodge Street, a distance of 298.64 feet to the Northwesterly most corner of said Lot 2 of said C.S.M. No. 1178; thence North 63 degrees 38 minutes 14 seconds East along the Northerly line of said Lot 2 of said C.S.M. No. 1178, a distance of 238.24 feet to the Northeasterly most corner thereof; thence South 26 degrees 35 minutes 05 seconds East along the Easterly line of said Lot 2 of said C.S.M. No. 1178, a distance of 298.64 feet to the Southeasterly most corner thereof, said point also being in the Northerly line of said Adams Street; thence South 63 degrees 38 minutes 14 seconds West along the Southerly line of said Lots 1 & 2 of said C.S.M. 1178 and the Northerly line of said Adams Street, a distance of 240.86 feet to the Point of Beginning, containing 71,540 square feet, 1.642 acres, more or less, all being situated in the City of Burlington, County of Racine and the State of Wisconsin.

TAX PARCEL ID: 206-03-19-32-402-702 and 206 03-19-32-402-701  
100 S. Dodge Street and 124 S. Dodge Street  
CONTAINING 440,746 SQUARE FEET (10.12 ACRES)

**WHEREAS**, at their January 9, 2018 meeting, the Plan Commission did recommend approval of the CSM.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the attached CSM prepared on November 28, 2017 by Lee S. Sprecher, WLS, is hereby approved.

**BE IT FURTHER RESOLVED** that the City Clerk record said CSM with the Racine County Register of Deeds and provide a copy of the recorded CSM to the Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177.

Introduced: January 16, 2018  
Adopted: \_\_\_\_\_, 2018

---

Jeannie Hefty, Mayor

Attest:

---

Diahnn Halbach, City Clerk



# CERTIFIED SURVEY MAP OF

PART OF THE EAST 1 /2 OF THE NORTHEAST 1 /4 OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE 19 EAST, CITY OF BURLINGTON,  
RACINE COUNTY, WISCONSIN.



STATE OF ILLINOIS )  
COUNTY OF WINNEBAGO ) ss

I, Lee S. Sprecher, a Registered Land Surveyor, do hereby certify that I have surveyed and mapped all of Lots 1 and 2 as designated upon C.S.M. No. 1178, recorded November 10, 1986 in Volume 3 of Certified Survey Maps on Pages 453 & 454 in the Register's Office of Racine County, Wisconsin, said C.S.M. being in part of the South Half of the Northeast Quarter of Section 32, Township 3 North, Range 19 East of the Fourth Principal Meridian, all being situated in the City of Burlington, County of Racine and the State of Wisconsin.

### DESCRIBED AS FOLLOWS:

Commencing at the Southeast Corner of said Northeast Quarter of Section 32, thence South 88 degrees 38 minutes 14 seconds West along the South line of said Northeast Quarter of Section 32, a distance of 1502.38 feet; thence perpendicular to the last described course North 1 degree 21 minutes 46 seconds West, a distance of 163.03 feet to the Southwest corner of said Lot 1 of said C.S.M. No. 1178, said point being the intersection of the Northerly line of a public road designated Dodge Street with the Northerly line of a public road designated Adams Street and the Point of Beginning; thence North 26 degrees 04 minutes 56 seconds West along the Westerly line of said Lots 1 & 2 of said C.S.M. No. 1178 and the Northerly line of said Dodge Street, a distance of 298.64 feet to the Northwesterly most corner of said Lot 2 of said C.S.M. No. 1178; thence North 63 degrees 38 minutes 14 seconds East along the Northerly line of said Lot 2 of said C.S.M. No. 1178, a distance of 238.24 feet to the Northeasterly most corner thereof; thence South 26 degrees 35 minutes 05 seconds East along the Easterly line of said Lot 2 of said C.S.M. No. 1178, a distance of 298.64 feet to the Southeasterly most corner thereof, said point also being in the Northerly line of said Adams Street; thence South 63 degrees 38 minutes 14 seconds West along the Southerly line of said Lots 1 & 2 of said C.S.M. 1178 and the Northerly line of said Adams Street, a distance of 240.86 feet to the Point of Beginning, containing 71,540 square feet, 1.642 acres, more or less, all being situated in the City of Burlington, County of Racine and the State of Wisconsin.

That I have made such survey and map by the direction of the Owner of said land and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes and Section 278 of the Municipal Code of the City of Burlington, adopted November 18, 2003, in surveying and mapping the same.

Given under my hand and seal this 28<sup>th</sup> day of NOVEMBER, 2017.

Lee S. Sprecher  
Wisconsin Professional Land Surveyor No. 2672  
Arc Design Resources, Inc.  
5291 Zenith Parkway  
Loves Park, IL 61111  
(815) 484-4300



# CERTIFIED SURVEY MAP OF

PART OF THE EAST 1 / 2 OF THE NORTHEAST 1 / 4 OF SECTION 32,  
TOWNSHIP 3 NORTH, RANGE 19 EAST, CITY OF BURLINGTON,  
RACINE COUNTY, WISCONSIN.



STATE OF IOWA )  
COUNTY OF POLK ) ss

OWNER CERTIFICATE: We, Casey's Marketing Company, as owner of the land described in the foregoing description, do hereby certify that we have caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented hereon. We also certify that this Certified Survey Map is required by Sections 236.10 and 236.12 of the Wisconsin Statutes to be submitted to the City Council of the City of Burlington.

WITNESS the hand and seal of said Trustee, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_ Rich Shappert, Vice President, Casey's Marketing Company  
One Convenience Blvd.  
Ankeny, IA 50021

STATE OF IOWA )  
COUNTY OF POLK ) ss

Personally came before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, the above-named, to me known to be the person who executed the foregoing certificate and acknowledged the same.

By: \_\_\_\_\_ Notary Public, \_\_\_\_\_ County, IOWA.

My Commission Expires \_\_\_\_\_

STATE OF WISCONSIN )  
COUNTY OF RACINE ) ss

As Racine County Treasurer, I hereby certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat in accordance to records on file in this office as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
County Treasurer

DOCUMENT NO. \_\_\_\_\_ RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017 AT

\_\_\_\_\_ O'CLOCK \_\_\_\_ .M. AND RECORDED IN VOLUME \_\_\_\_\_, PAGES \_\_\_\_\_ OF

CERTIFIED SURVEY MAPS OF RACINE COUNTY, WISCONSIN. \_\_\_\_\_ REGISTER OF DEEDS



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 7A**

---

**DATE:** January 16, 2018

**SUBJECT: ORDINANCE 2031(8)** - to consider an approval of a Rezone Map Amendment request for property located at 100 and 124 S. Dodge Street from B-1 District and M-1 District to B-2 District.

**SUBMITTED BY:** Gregory Guidry, Building Inspector

---

**BACKGROUND/HISTORY:**

This second item is to consider approval of a Rezone Map Amendment request from Casey's Marketing Company for property at 100 and 124 S. Dodge Street. The applicant is requesting to rezone the property B-1, Neighborhood Business District and M-1, Light Manufacturing District to B-2, Central Business District. The applicant proposes to construct a convenience store and gas station. The project proposes to combine two parcels into one parcel. This parcel combination will be achieved through a land consolidation that dissolves the shared property line between the two parcels. The resulting parcel will be 1.64 acres in size.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Plan Commission and City Staff recommend approval of this rezone map amendment.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the January 16, 2018 Committee of the Whole meeting, with a Public Hearing scheduled the same evening and is scheduled for final consideration at the February 6, 2018 Common Council meeting.

---

**Attachments**

Ord 2031(8) Rezone Dodge Street  
100 & 124 S. Dodge St. map

---

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING 100 AND 124 S. DODGE STREET FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT AND M-1, LIGHT MANUFACTURING DISTRICT WITH FFO, FLOODFRINGE OVERLAY TO B-2, CENTRAL BUSINESS DISTRICT WITH A FFO, FLOODFRINGE OVERLAY**

**WHEREAS**, Marni Beck of Casey's Marketing Company, applicant, requests property located at 100 and 124 S. Dodge Street, as described in Attachment "A" to be rezoned to B-2/FFO, Central Business District; and,

**WHEREAS**, this request was heard at, and recommended for approval by the Plan Commission at their January 9, 2018 meeting; and,

**WHEREAS**, a public hearing was held regarding this matter at the Common Council's January 16, 2018 meeting.

**NOW THEREFORE BE IT ORDAINED** that the Common Council of the City of Burlington, Racine County and Walworth County, State of Wisconsin does as follows:

**Section 1.** The district map of the City of Burlington, as it is incorporated by reference and made part of the City Zoning Ordinance, is hereby amended and changed in relation to the zoning classification of land more particularly described as follows:

<b>Owner:</b>	Vorpagel Living Trust and Stover Real Estate
<b>Applicant:</b>	Marni Beck of Casey's Marketing Company
<b>Location of Request:</b>	100 and 124 S. Dodge Street
<b>Existing Zoning:</b>	B-1, Neighborhood Business District with a FFO, Floodfringe Overlay
<b>Proposed Zoning:</b>	B-2, Central Business District with a FFO, Floodfringe Overlay
<b>Proposed Use:</b>	To construct a convenience store with 8 pumping stations under a canopy

**Section 2.** The district map in all other respects shall remain the same.

**Section 3.** This ordinance shall take effect upon its passage and publication as provided by law.

**NOW THEREFORE BE IT FURTHER ORDAINED** that the City Clerk shall provide a copy of this ordinance to Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177 and Walworth County Land Use & Resource, 100 W. Walworth Street, P.O. Box 1001, Elkhorn, WI, 53121.

Introduced: January 16, 2018  
Adopted: \_\_\_\_\_, 2018

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahnn Halbach, City Clerk

## ATTACHMENT A

### Legal Description

206-03-19-32-402-702 and 206 03-19-32-402-701  
100 S. Dodge Street and 124 S. Dodge Street

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76170

Parcel A:

Lot 2 of Certified Survey Map No. 1178, Recorded November 10, 1986 in the office of the Register of Deeds for Racine County, Wisconsin in Volume 3 of Certified Survey Maps, Pages 453-454, as Document No. 1210923, being Block 66 and Southerly 1/2 of Vacated East State Street of the Original Plat of Burlington, as recorded in the office of the Register of Deeds for Racine County, Excepting the Easterly 27 feet thereof, being part of the South 1/2 of the Northeast 1/4 of Section 32, Township 3 North, Range 19 East, of the 4th P.M. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

Parcel B:

Perpetual Easement for Ingress and Egress, identified as Easement # 1 in Reciprocal Easement Agreement recorded December 1, 1986 in Volume 1833 of Records, Page 565 as Document No. 1212693.

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT NO. 76171

Lot 1 of Certified Survey Map No. 1178 in Volume 3 Pages 453-454, as recorded in the office of the Register of Deeds for Racine County, Wisconsin on November 10, 1986 as Document No. 1210923, being a part of Lots 5, 6, 7, and 8, Block 66, Original Plat of Burlington according to the recorded plat thereof. Said land being in the City of Burlington, County of Racine, and State of Wisconsin.

ALSO DESCRIBED AS:

All of Lots 1 and 2 as designated upon C.S.M. No. 1178, recorded November 10, 1986 in Volume 3 of Certified Survey Maps on Pages 453 & 454 in the Register's Office of Racine County, Wisconsin, said C.S.M. being in part of the South Half of the Northeast Quarter of Section 32, Township 3 North, Range 19 East of the Fourth Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1 of said C.S.M. No. 1178, said point being the intersection of the Northerly line of a public road designated Dodge Street with the Northerly line of a public road designated Adams Street; thence North 26 degrees 04 minutes 56 seconds West along the Westerly line of said Lots 1 & 2 of said C.S.M. No. 1178 and the

Northerly line of said Dodge Street, a distance of 298.64 feet to the Northwesterly most corner of said Lot 2 of said C.S.M. No. 1178; thence North 63 degrees 38 minutes 14 seconds East along the Northerly line of said Lot 2 of said C.S.M. No. 1178, a distance of 238.24 feet to the Northeasterly most corner thereof; thence South 26 degrees 35 minutes 05 seconds East along the Easterly line of said Lot 2 of said C.S.M. No. 1178, a distance of 298.64 feet to the Southeasterly most corner thereof, said point also being in the Northerly line of said Adams Street; thence South 63 degrees 38 minutes 14 seconds West along the Southerly line of said Lots 1 & 2 of said C.S.M. 1178 and the Northerly line of said Adams Street, a distance of 240.86 feet to the Point of Beginning, containing 71,540 square feet, 1.642 acres, more or less, all being situated in the City of Burlington, County of Racine and the State of Wisconsin.

