



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, May 21, 2019**

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

President Jon Schultz called the Committee of the Whole meeting to order at 6:30 p.m. Roll Call - Present: Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Tom Preusker, Alderman Todd Bauman. Excused: Mayor Jeannie Hefty.

Student Representatives - Present: Jack Schoepke (BHS). Excused: Morgan Tracy (BHS).

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Public Works Director Peter Riggs, Fire Chief Alan Babe, Police Chief Mark Anderson, Library Director Joe Davies and Intern Nick Faust.

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

3. **Approval of Minutes** - To Approve the Committee of the Whole Minutes for May 7, 2019. Motion: Alderman Rauch. Second: Alderman Bauman. With all in favor, the motion carried.

4. **DISCUSSION:**

A. **A discussion regarding the Parkway Tree Planting Cost Share Program.**

Director Peter Riggs provided an update on the Parkway Tree Planting Cost Share Program and explained that it was created to support reforestation of the City's parkways and allow property owners to take an active role in the reforestation of their parkway and would offer homeowners up to \$200 reimbursement for planting a tree in the parkway. A total of 50 grants will be available in 2019 and awards would be made on a first come, first served basis, whereas properties that have had trees removed from their parkways, would be given priority.

Alderman Bauman asked if the program is for one \$200 grant per property per year. Riggs replied that it would be one per property per year in order to ensure that enough people can participate in the program. Alderman Schultz asked if this included corner lots. Riggs responded that it would be tied to the property, as one per property per year.

Alderman Grandi asked if this program pertains to trees removed due to street and sidewalk repairs and improvements. Riggs responded that those trees are included in the road program and wouldn't affect Cost Share Program.

B. **A discussion regarding 2017 Wastewater Rate Billing Recapture.**

Director Riggs reviewed the background history regarding the wastewater rate adjustment that was implemented for Category A customers, but not Category B, Extraterritorial, or Hauled Waste customers, which resulted in an under billing of \$617,952.06 over a period of 26 months. Riggs further explained that budgeted revenue projections for the Wastewater Utility were still met during this time period due to the method of estimation used in the budgeting process, however, revenues should have exceeded the budget had correct rates been properly applied. Riggs then reviewed three options for Council to consider which included recapturing all revenue, no revenue, or a portion of the revenue.

Alderman Rauch stated he supports not recapturing the revenue.

Alderman Schultz commented that if the City would have over billed customers, the City would be expected to reimburse them. Schultz further stated that the City should be \$300,000 ahead of budget, which ultimately affects the tax payers.

Alderman Grandi also stated he felt it wasn't a good idea to go back and recapture the revenue.

Alderman Preusker agreed with Rauch and Grandi and stated that the customers paid the amount that was on their bill and that the real problem is a policy change needs to be made in order to forecast revenues more accurately. Administrator Walters stated that a policy change is already being implemented and that rates will be based on volume metric.

Alderman Schultz asked if notices of the increase were sent to customers. Riggs responded that it is not required to send notices to wastewater customers, however, Category B customers were notified in September 2018 of the 3% rate increase, which is when the current rate issue was discovered. These customers were then sent notification of the rate increase for the March 1st implementation of the 2017 rate. Alderman Grandi asked if notices will be sent to wastewater customers from now on. Riggs responded that although not required, it is good practice, and they will from now on, send notifications of any rate increases.

C. **A discussion regarding Burlington Chocolate Festival traffic control and pedestrian crossing services.**

Chief Anderson explained that he was contacted by the Burlington Chocolate Festival to notify him that they had no one to provide traffic control and pedestrian crossing services this year for ChocolateFest because the company they had been using stopped operating and nobody else was available. Anderson stated that they are requesting services from Burlington Police Department and then explained in further detail the crossing locations, hours required, and costs involved for police employees to provide these services. Alderman Schultz requested a follow-up report after the Festival.

5. **RESOLUTIONS:**

A. **Resolution 4937(39)** - To consider approving the adoption of an updated Five-Year Financial Management Plan.  
This item was tabled.

B. **Resolution 4955(8)** - To Approve the Transfer of Certain Real Property to Shawn and Jeanita Karnes at 357 Lewis Street.  
Shawn Karnes presented a PowerPoint to better explain the history of the discrepancy on his property deed, showing that a portion of City property was originally part of the property located at 357 Lewis Street and requested this parcel be transferred back to the original parcel via a Quit Claim Deed.

C. **Resolution 4956(9)** - To Approve the purchase of three new service trucks for the Department of Public Works.  
Riggs provided an overview of his request to purchase three new trucks for the DPW, of which was included in the 2019 budget. Riggs stated VendorNet was used and Ewald provided the best pricing. Riggs further stated that the total price of all three vehicles is \$157,848, which is \$12,152 less than the budgeted amount of \$170,000.

Alderman Preusker was pleased that VendorNet was utilized and asked if Lynch or Miller Motors was able to meet or beat Ewald's pricing, Riggs responded that both dealerships had limited stock and pricing was too high for what they needed.

Alderman Rauch asked what the plans are for the used trucks. Riggs responded that the used trucks would go to auction and the proceeds from those sales would go to the Equipment Replacement Fund.

- D. **Resolution 4957(10)** - To approve Conveying a Sanitary Sewer Easement from the City of Burlington to Integrated Lubricants/Applied Material Solutions (AMS) for City Property Located at 2100 S. Pine St, Parcel Number 51-206-02-19-09-002-110.

Riggs reviewed the background history of AMS and the DNR's Notice of Noncompliance to AMS for violation of their discharge permit and intends to revoke and reissue a new permit on July 1, 2019. According to Riggs, AMS has indicated that they will not be able to meet the numeric water quality requirements of the new permit without installation of internal wastewater treatment equipment, which will take several months. AMS would like to connect to the City's sanitary sewer system for an alternate discharge option, which requires an expansion of their existing 20 foot easement on City property to a total width of 40 feet and will require a connection fee. Riggs further stated that the easement agreement provides AMS a sanitary sewer easement agreement and details the methodology for the interim Residential Equivalent Unit (REU) calculations and connection fee as well as outlines the intentions of the City for monitoring and recalculating the connection fee in the future.

Alderman Preusker commented that he felt the agreement was reasonable, but questioned if AMS was aware of this discussion. Tom Rebernak, President of AMS, was also in attendance and stated that everyone is on the same page and is in agreement with the conditions of the agreement.

Alderman Grandi asked Riggs if AMS isn't able to complete their project within 24 months, would that affect the City's operations and what parameters are in place to prevent them from exceeding the 2-year timeframe. Riggs responded that the waste water treatment has the capacity to accept the amount of flow from AMS in perpetuity. Riggs further stated that the agreement includes Exhibit C which defines in further detail the timing requirements, which assures the project won't linger and will be completed in 24 months, otherwise AMS will be charged a connection fee for their flow.

Alderman Schultz asked Riggs to clarify the charge for REU's stated in paragraph 5 of Exhibit C, which stated the total connection fee charged to AMS, at the time of permit application, for 49.5 REU shall be \$81,675.00. Riggs responded that was a typo and the correct amount should be 9 REU's for a total of \$14,850. There was no further discussion.

6. **ORDINANCES:** There were none.

7. **MOTIONS:** There were none.

8. **ADJOURNMENT**

Motion: Alderman Schultz. Second: Alderman Preusker. With all in favor, the motion carried and the meeting was adjourned at 7:59 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach  
City Clerk  
City of Burlington