



**AGENDA
COMMON COUNCIL**

Tuesday, October 18, 2011

**To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street**

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Jim Prailes, Alderman, 2nd District
Peter Hintz, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Jeff Fischer, Alderman, 4th District

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council minutes for September 15th and October 4, 2011. *(K. Simenson)*
6. Letters and Communications: None
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-5: *(J. Fischer)*
 - Report 1 – Community Development Authority minutes, March 1, 2011
 - Report 2 – Board of Public Works minutes, June 16, 2011
 - Report 3 – Burlington Housing Authority minutes, August 18, 2011
 - Report 4 – Community Development Authority minutes, September 6, 2011
 - Report 5 – Committee of the Whole minutes, October 4, 2011
9. Payment of Vouchers. *(R. Prailes)*
10. Licenses and Permits. *(E. Johnson)*
11. Appointments and Nominations: None

12. **PUBLIC HEARINGS:**

- A. A Public Hearing to hear public comment regarding a request to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 824 Milwaukee Avenue and 681, 701, 733 and 756 Maryland Avenue from Government & Institutional to Industrial. *(J. Prailes)*
- B. A Public Hearing to hear public comment regarding a request to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at on S. Pine Street and the STH 11 Bypass from High Density Residential to Commercial. *(P. Hintz)*

13. **RESOLUTIONS:**

- A. Resolution 4496(21) to consider approving a Traffic and Signalization Analysis Agreement with Kapur & Associates in the amount of \$23,732.38. This item was discussed at the September 6, 2011 Committee of the Whole meeting. *(T. Vos)*
- B. Resolution 4502(27) to consider approving Task Order Eight-Two with Kapur & Associates for civil engineering services, design and construction management for the retaining wall at 301 Lewis Street in the amount of \$6,303. This item was discussed at the October 4, 2011 Committee of the Whole meeting. *(S. Rauch)*
- C. Resolution 4504(29) to consider authorizing the issuance and sale of \$9,400,000 General Obligation Refunding Bonds, Series 2011. This item was discussed at tonight's Committee of the Whole meeting. *(K. Simenson)*
- D. Resolution 4505(30) to consider authorizing the issuance and sale of \$2,080,000 Waterworks System Revenue Refunding Bonds, Series 2011A and providing for the payment of the bonds and other details with respect to the bonds. This item was discussed at tonight's Committee of the Whole meeting. *(J. Fischer)*

14. **ORDINANCES:**

- A. Ordinance 1934(11) to consider repealing and recreating Chapter 308 of the Municipal Code pertaining to "weapons". This item was discussed at the October 4, 2011 Committee of the Whole meeting. *(R. Prailes)*

15. **MOTIONS:**

None.

16. **ADJOURN INTO CLOSED SESSION** (E. Johnson)

1. *Wis. Stats 19.85(1)(e)*, deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons requiring a closed session.

- Consideration to purchase property.

17. **RECONVENE INTO OPEN SESSION** (J. Prailes)

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (P. Hintz)

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.



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

Common Council Agenda Item Number: 5	Date: October 18, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from September 15, 2011 and October 4, 2011 Common Council meetings. Staff recommends approval of these minutes.

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Common Council approve these minutes at the October 18, 2011 Common Council meeting.

**City of Burlington
Official Minutes-Common Council
Special Agenda
September 15, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 8:04 p.m. starting with roll call. Aldermen present: Ed Johnson, Bob Prailes, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

2. ADJOURN INTO CLOSED SESSION PER WIS.STATS. 19.85(1) (C) TO CONSIDER EMPLOYMENT, PROMOTION COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY"

A motion was made by Vos with a second by Simenson to adjourn into closed session. Roll Call Ayes: Johnson, Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Closed session began at 8:09 p.m.

3. RECONVENE INTO OPEN SESSION

A motion to reconvene into open session was made by Simenson with a second by Fischer. Roll Call Ayes: Johnson, Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson With all in favor, the open session began at 10:22 p.m.

4. DECISION FROM CLOSED SESSION

A motion was made by Vos with a second by Bob Prailes that effective immediately, the city's presently existing written employment agreement with the city administrator be, and hereby is, amended as follows:

1. New contract effective on January 1, 2012
2. The annual salary of the city administrator shall be capped at \$133,595.00
3. Contract will be for five years beginning January 1, 2012 and ending December 31, 2016
4. If administrator leaves prior to end of contract, the amount owed to the city will be a pro-rated amount of \$17,323 for each year served under the new contract
5. These amendments are conditioned upon the written approval of the same by the City Administrator

Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer Nay: Rauch, Simenson Motion carried 6-2

6. MOTION TO ADJOURN

A motion to adjourn was made by Johnson with a second by Jim Prailes. Roll Call Aye; Johnson, Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None The motion carried and the meeting adjourned at 10:30 p.m.



Alderman Steve Rauch
City of Burlington
Recording Secretary
City of Burlington

City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
October 4, 2011

DRAFT

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:11 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Tom Vos, Steve Rauch, Jeff Fischer Excused: Jim Prailes, Katie Simenson

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Assistant to the Administrator Megan Johnson, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Supervisor Streets and Parks Dan Jensen, Tom Foht of Kapur Engineering

2. PLEDGE OF ALLEGIANCE

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

3. CITIZEN'S COMMENTS

None

4. CHAMBER OF COMMERCE REPORT

None

5. APPROVAL OF COMMON COUNCIL MINUTES FOR SEPTEMBER 20, 2011

A motion was made by Rauch with a second by Johnson to approve the Common Council Minutes of September 20, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Hintz with a second by Bob Prailes to accept the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Vos questioned if the sweeper would be out more because of the leaves that are starting to fall. Lahner replied that it has been out more frequently in the past few weeks. Jensen said the new leaf truck's delivery is the week of the 17th which would coordinate with the beginning of the scheduled leaf pick up.

Lahner announced the Budget Workshops will be held at the Community Room at the new DPW.

Rauch asked for clarification on the number of jobs posted. Lahner replied that the city is hiring two for laborers and one for wastewater for a total of three.

8. REPORTS 1-5

A motion to approve Reports 1-5 was made by Fischer with a second by Hintz. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Bob Prailes with a second by Hintz to approve vouchers, pre-paids and reimbursements in the amount of \$184,616.37 Roll Call Aye: Bob Prailes, Johnson, Hintz, Vos, Rauch, Fischer Nay: None Motion carried 6-0

10. LICENSES AND PERMITS

A motion was made by Johnson with a second by Vos to approve the licenses as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARING

A. "A PUBLIC HEARING TO HEAR PUBLIC COMMENT REGARDING VACATING A PUBLIC RIGHT-OF-WAY KNOWN AS YAHNKE ROAD LYING BETWEEN HIDDEN CREEK LANE AND THE BURLINGTON BYPASS WITH REVERSION OF TITLE OF SUCH LAND TO THE ABUTTING PROPERTY OWNER AT LOT #1 OR CSM 1999 AND TO AMEND THE OFFICIAL MAP OF THE CITY OF BURLINGTON"

Mayor Miller opened the public hearing at 7:17 p.m. There was no public comment. A motion was made by Hintz with a second by Vos to close the hearing. With all in favor, the public hearing closed at 7:18 p.m.

13. RESOLUTIONS

A. RESOLUTION 4494(19) "A RESOLUTION TO VACATE A PUBLIC RIGHT-OF-WAY IDENTIFIED AS YAHNKE ROAD SOUTH OF HIDDEN CREEK LANE AND NORTH OF THE BURLINGTON BYPASS WITH REVERSION OF TITLE OF SUCH LAND TO THE ABUTTING PROPERTY OWNER"

A request for a second reading and a motion to approve was made by Vos with a second by Johnson to approve. Roll Call Aye: Bob Prailes, Johnson, Hintz, Vos, Rauch, Fischer Nay: None Motion carried 6-0

B. RESOLUTION 4500 (25) "A RESOLUTION TO APPROVE A CITY OF BURLINGTON EMPLOYEE GRIEVANCE PROCEDURE FOR NON-REPRESENTED EMPLOYEES"

A request for a second reading and motion to approve was made by Rauch with a second by Vos. With all in favor, the motion carried.

14. ORDINANCES

None

15. MOTIONS

A. MOTION 11-726 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 549 NORTH PINE STREET"

B. MOTION 11-727 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 581 NORTH PINE STREET"

A motion was made by Fischer with a second by Hintz to approve Motion 11-726 and 11-727. With all in favor, the motions were approved.

16. ADJOURN INTO CLOSED SESSION PER WIS.STATS 19.85(1)(E) "DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION"

A motion was made by Bob Prailes with a second by Rauch to adjourn into closed session per Wis. Stats. 19.85(1)e). Roll Call Aye: Bob Prailes, Johnson, Hintz, Vos, Rauch, Fischer Nay: None Motion carried 6-0. the closed session began at 7:20 p.m.

17. RECONVENE INTO OPEN SESSION

A motion was made by Vos with a second by Johnson to reconvene into open session. With all in favor, open session began at 7:48 p.m.

18. ADJOURNMENT

A motion was made by Bob Prailes with a second by Vos to adjourn the meeting. With all in favor, the meeting adjourned at 7:49 p.m.



Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties



Administration Department
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(262) 342-1161 – (262) 763-3474 fax
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Common Council Agenda Item Number: 8	Date: October 18, 2011
Submitted By: City Staff	Subject: Reports 1-5

Details:

Attached please find the following reports:

- Report 1 – Community Development Authority minutes, March 1, 2011
- Report 2 – Board of Public Works minutes, June 16, 2011
- Report 3 – Burlington Housing Authority minutes, August 18, 2011
- Report 4 – Community Development Authority minutes, September 6, 2011
- Report 5 – Committee of the Whole minutes, October 4, 2011

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the October 18, 2011 Common Council meeting.



COMMUNITY DEVELOPMENT AUTHORITY

March 1, 2011, 5:30 p.m.

Council Chambers, 224 East Jefferson Street

1. ROLL CALL

The following commissioners were in attendance: Chairman Bil Scherrer, Mayor Bob Miller, Jack Eckola, Judie Lemieux and Jim Peterson. Commissioner Jim Spiegelhoff was excused. Alderman Jeff Fischer was absent. Also in attendance: Alderman Katie Simenson, City Attorney John Bjelajac, Leslie Scherrer and Peter Scherrer of the Peter Scherrer Group.

2. APPROVAL OF MINUTES FROM December 7, 2010

A motion was made by Jim Peterson to approve the minutes from the December 7, 2010 CDA Meeting. Eckola seconded the motion and with all in favor, the motion carried.

3. PERSONS DESIRING TO BE HEARD

- Alderman Katie Simenson stated she was present on behalf of her constituents who are concerned with the \$1 property sale deals the city has done. She further stated she is concerned with the Option to Purchase Agreement being easily passed to another owner. She feels it should be open for bid to see what other offers it could bring. She stated she feels the deadline within the agreement for construction to commence is too long and fears the property would unnecessarily sit vacant. She further stated she feels there should have been earnest money with the agreement to protect the city from an undeveloped project.
- Harry Otter, 201 Ridgeview Drive, stated he doesn't feel the property for the downtown redevelopment project should be sold for \$1 as stated in the Option to Purchase. He further questioned what the city paid for the properties and stated he wants to see the proper return to the city for the investment. Mayor Miller stated he didn't have the figures in front of him regarding what the city paid for the properties.
- Russ Reesman, 561 Briody Street, stated he also doesn't agree with the sale price of \$1 and felt it should have been sold to the developers as any other property would be sold.

4. REVIEW AND CONSENT OF AN ASSIGNMENT OF OPTION TO PURCHASE FROM LESLIE SCHERRER DEVELOPMENT, LLC TO BURLINGTON CORE GROUP II, LLC WITH THE DOWNTOWN REDEVELOPMENT PROJECT

- Attorney Bjelajac explained the process of the Assignment of Option to Purchase stating it is merely a transfer of ownership for the agreement.

A motion was made by Jack Eckola to approve City Administrator Kevin Lahner to sign an Assignment of Option to Purchase from Leslie Scherrer Development, LLC to Burlington Core Group II, LLC with the Downtown Redevelopment Project. A second was made by Jim Peterson. Roll call Ayes: Scherrer, Mayor Miller, Eckola, Peterson, Lemieux; Nays: None. Motion carried 5-0.

5. ADJOURNMENT

A motion was made by Eckola with a second by Lemieux to adjourn the meeting. With all in favor, the meeting was adjourned at 5:38 p.m.

**Board of Public Works
Riverside Park Improvements Bid
Thursday, June 16, 2011
9:00 a.m.
Department of Public Works Building
2200 South Pine Street**

The Board of Public Works was called to order by Mayor Robert Miller at 9:09 a.m. with the following in attendance: Mayor Robert Miller, Attorney John Bjelajac
Excused: Alderman Katie Simenson

Also in attendance: Utility Manager Ms. Connie Wilson, Engineering Tech Ms. Judy Gerulat and Mr. Gil Jevne of SSA Design Group, Inc.

A motion was made by Bjelajac with a second by Miller to approve the Board of Public Works minutes from Thursday, March 31, 2011. With all in favor, the motion carried.

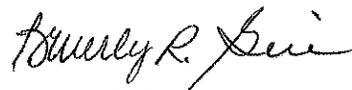
The following bids were opened:

	Bidder No.1	Bidder No. 2	Bidder No. 3	Bidder No. 4
	RR Walton Whitewater, Wi	CHILS Eagle, Wi	Augie's Excavating Burlington, Wi	Native Construction Kansasville, Wi
Total Base Bid	\$152,786.25	\$141,748.36	\$134,843.68	\$155,622.50
Bid Bond	Yes	Yes	Yes	Yes

A motion was made by Bjelajac to refer the bids to SAA Design Group, Inc. for recommendation. Miller seconded the motion and with all in favor the motion carried.

A motion was made by Bjelajac to adjourn the meeting. Miller seconded the motion and with all in favor, the meeting adjourned at 9:20 a.m.

Respectfully submitted,


Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth County

**City of Burlington Housing Authority
Riverview Manor**

August 18, 2011

The regular monthly meeting of the City of Burlington Housing Authority was held on Thursday, August 18th, 2011, 6:30 P.M. at Riverview Manor. The meeting was called to order by Chairman Lapp.

COMMISSIONERS PRESENT: Chairman Lapp, Vice-Chairman Stublely, Secretary Heck, Commissioners Stoehr and Iselin, also present was Resident Manager, Dorothy Henning.

Minutes from the July 21st, 2011 meeting was dispersed to board members and a motion was made by Stublely, seconded by Iselin to approve the minutes as read, carried unanimously.

FINANCIAL REPORT:

Reserve Account balances as of July 31, 2011

Talmer Bank FBC	\$ 38,632.41
M&I Bank	<u>\$ 15,135.62</u>
TOTAL	\$ 53,768.03

OCCUPANCY REPORT:

Manager Henning reported that all units are occupied with 14 on the waiting list for 1 bedroom units and 3 for 2 bedroom units.

BUILDING AND MAINTENANCE:

- Koch Kuts proposal for replacement of edging, stump grinding and some replanting as well as removal of some shrubs and plants, resident parking signs and post replacements was discussed by board members. A motion was made by Heck, seconded by Stoehr to accept the proposal, carried unanimously
- First Supply of Delavan has not returned Chairman Lapp's call regarding the missing heat exchanger. Chairman Lapp will contact Solofra Plumbing to ask for their assistance to resolve this matter.

COMMUNICATIONS:

- Copies of the monthly bills and operating statement were dispersed and reviewed by board members.

NEW BUSINESS:

Manager Henning and Chairman Lapp will attend the annual Wi-Carh meeting on November 2nd. in Wisconsin Dells.

Board members did a three- month review for Cheryl Oaks, office assistant to Manager Henning and motion was made by Stoehr, seconded by Iselin to increase her hourly wage . 50 cents to \$13.00. carried unanimously.

UNFINISHED BUSINESS

- **Manager Henning updated the board members regarding the MPR pre-application.**
- **A credit card for Riverview Manor has been applied for and will be used for purchases not available from regular vendors.**

ADJOURNMENT:

There being no further business, motion to adjourn was made by Heck, seconded by Stublely and carried unanimously. Meeting adjourned 7:40 P.M. The next monthly meeting is tentatively scheduled for September 15th. , 2011


Ralph Heck, Secretary

COMMUNITY DEVELOPMENT AUTHORITY

September 6, 2011, 5:30 p.m.

Council Chambers, 224 East Jefferson Street

5:30 p.m.

1. ROLL CALL

The following commissioners were in attendance: Mayor Bob Miller, Jack Eckola, Judie Lemieux, Tom Wiemer Excused: Bil Scherrer, Jim Spiegelhoff Absent: Alderman Jeff Fischer

Also in attendance: City Administrator Kevin Lahner, Atty. John Bjelajac, Treasurer Steve DeQuaker, Mr. Tom Stelling of Stelling and Associates

2. PERSONS DESIRING TO BE HEARD

There were no comments at this time.

3. DISCUSSION AND UPDATE REGARDING THE ENVIRONMENTAL AND REMEDIATION TAX INCREMENT FINANCE DISTRICT #1

Lahner stated he wanted to provide the CDA with the information that had recently been received from the state which was a report on the equalized value for the Environmental and Remediation Tax Increment Finance District #1. He also wanted to discuss the plans for the proposed building adjacent to the parking structure.

Lahner pointed out in the equalized value report that the beginning value of \$1,753,900 was the value of the original eight buildings. The current value of \$3,852,200 is only a partial value of the hotel which exceeds the value of the original eight buildings. Lahner stated that the three million dollar figure was in line with the financial projections. The report also included information on TIF #3 which indicated a 190 million dollar increment; Lahner did not feel that number was accurate and he will be checking with the State of Wisconsin.

Mr. Tom Stelling announced the project had been transferred to a group called CORE II. He provided the CDA members with the history and an update on the project. Stelling stated that a sign would be erected soon on the parcel.

Eckola questioned if the potential occupants of the building would just be reshuffled from other locations or would they be new to the area. Stelling replied that there are some who are from this area but need larger space and there are others who would be new.

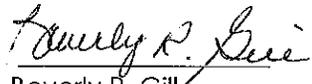
Lemieux asked if there was a date for the ground breaking. Stelling replied that a certain percentage of the property must be leased or sold before that could happen.

Lahner asked if Stelling could provide information regarding the hotel. Stelling reported the hotel was ahead of schedule on their weekend bookings and as expected for the midweek bookings.

Lahner reported that the travel sites on the internet have reported high marks for the hotel with comments being made that you cannot hear the train noise.

4. ADJOURNMENT

A motion was made by Eckola with a second by Lemieux to adjourn the meeting.
With all in favor, the meeting was adjourned at 5:55 p.m.



Beverly R. Gill
City Clerk
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Racine and Walworth Counties



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Common Council Agenda Item Number: 10	Date: October 18, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

Operator's Licenses

Stiltner, Crystal R.
Torgerson, Haley R.

Class "B" Beer and "Class C" Licenses

Name: Tantrum, LLC
Address: 417 Robins Run, Burlington
Agent: Denise L. DeLoria
Trade Name: Grounded
Address: 116 North Dodge Street, Suite #4
Coffee Shoppe

Commercial Animal License

Applicant: Catherine Haglund
Use: Keeping of rabbits for commercial purposes.

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business licenses fees are calculated on a case by case basis depending on the type of license applied for.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the October 18, 2011 Council meeting.



Administration Department
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(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

October 14, 2011

To: Common Council
From: Kevin Lahner, City Administrator

Re: Rabbit Commercial License

Please note the license for the commercial selling of rabbits at 872 Ridgemont Drive. As noted on the enclosed material a family shows rabbits at several events throughout the year. Also, as part of their activity they buy and sell rabbits and keep a rabbit coop in their back yard.

Under our code, a commercial license must be obtained for this type of activity. However, please note that the way our code is written, the Health Officer is to sign off on a permit for this type of activity. As we have never had this type of request before, the Health Officer was unaware that this requirement existed in our code and is uncomfortable signing off on any permit.

The existing operation is in compliance with all other code provisions, so therefore I recommend approving the permit. Additionally, we shall be bringing forth a code revision to remove the Health Officer as the person to sign commercial animal operation permits.

KML

§ 104-2. Keeping of certain animals prohibited; exceptions.

- A. Animals prohibited. Except as otherwise provided in this Municipal Code, no person shall keep within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, or other livestock.

[Amended 1-7-2003 by Ord. No. 1707(21)]

- B. Exceptions. This prohibition shall not apply in areas of the City that are zoned agriculture in nature nor to livestock brought into the City for the purpose of being shipped out of the City. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. Powers of the Health Officer. The Health Officer may issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Special permits. The keeping of animals, birds or fowl otherwise prohibited by this Code may be permitted by applying for a special permit from the Common Council. Such permits may be issued to permit circus performances or other public exhibition or entertainment events. A fee as set by the Common Council shall be paid to the City for issuance of such permit. *Editor's Note: See Fee Schedule on file at the City Clerk's office.* The exemptions listed in Chapter 100, § 100-1 of this Municipal Code shall also be considered exemptions to the permit requirement in this subsection. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

City of Burlington, WI
Tuesday, October 11, 2011

§ 104-12. Keeping birds and animals commercially.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). No person shall keep in the City a chicken coop, dove cote, dog kennel, rabbit warren or other establishment where birds and animals are kept for commercial purposes without a license therefor. The license fee shall be as set by the Common Council *Editor's Note: See Fee Schedule on file at the City Clerk's office.* and payable each January 1. Licenses shall be approved by the Health Officer.

City of Burlington, WI
Tuesday, October 11, 2011

§ 104-18. Pens, coops and other buildings for housing animals.

- A. Restricted. No person shall erect, place, maintain or continue any pen, coop, yard or other building upon any lot or ground in the City for the purpose of confining or housing any domestic animal or bird unless the same is at least 25 feet away from any dwelling, house, apartment, hotel, restaurant, food or drinking establishment or rooming house, school, church, or any building wherein people are employed and unless the floor of such building or coop is constructed of such material and in such a manner that it can be kept clean and sanitary at all times and unless the location of such shall be authorized by the Health Officer.
- B. Buildings and coops. All coops and other buildings wherein domesticated animals and birds are kept shall be provided with flytight bins or other tightly closed receptacles for manure, of dimensions sufficient to contain all accumulations of manure to prevent its becoming a nuisance. No manure shall be allowed to accumulate on the floor or on adjacent ground.

WISCONSIN CITY OF BURLINGTON

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City Clerk Fee Schedule

Contact Information

For more information on these fees, please call 262.342.1161.

Animals

License	Fee
Cat License - Altered	\$4/year + Late Fee of \$5 after April 1
Cat License - Unaltered	\$8/year + Late Fee of \$5 after April 1
Dog License - Altered	\$4/year + Late Fee of \$5 after April 1
Dog License - Unaltered	\$8/year + Late Fee of \$5 after April 1
Commercial License	\$5

Assessment

Service	Fee
Special Assessment or other status letter	\$25/each

Cigarette/Tobacco

License	Fee
Cigarette License	\$100/year

Fireworks

Permit	Fee
User's Permit	No Charge

Intoxicating Liquor/Fermented Malt Beverages

License	Fee
Retail Class "A" Fermented Malt Beverages	\$100 + Publication Fee of \$15/year
Retail Class "B" Fermented Malt Beverages:	
Full Year	\$100 + Publication Fee of \$15/year
Temporary/Picnic (Special Gathering)	\$10/each
Retail Class "A" Liquor	\$500 + Publication Fee of \$15/year
Retail "Class B" Liquor:	
Full Year	\$500 + Publication Fee of \$15/year
Retail Class "C" Wine	\$100 + Publication Fee of \$15/year
Retail Reserve "Class B" Liquor	\$10,000 + Publication Fee of \$15/year
Operators (Bartender's License)	\$15/year
Provisional Operator's (60 day) - Can only be purchased with Operator's License	\$3/year
Temporary Operator's License (For specific events only) Note: May have one per year & must donate services to event	\$2

Logo Use & Geographical Designation

Permit	Fee
Use of Geographical Designation & Logo	\$100/year
Use of Logo Only	\$25/year

Records

Service	Fee
Compact Disc Recordings	\$10/ea
Mailing	Actual cost
Maps (large scale)	\$10/ea
Photocopies:	
Black & White	\$0.50/page

City News Flash



Report a Concern



Notify Me



Beverly Gill

From: cheryl.mazmanian@aurora.org
Sent: Monday, September 19, 2011 2:10 PM
To: klahner@burlington.wi.gov; rmiller@burlington.wi.r; Beverly Gill
Subject: Rabbit License

Kevin,

As you may be aware the code for the City of Burlington suggests that commercial licensing for animals must be approved by the Health Officer. I am not willing to approve a commercial license for rabbits. There does not appear to be any criteria linked to the license to ensure that these rabbits are handled properly or that the number of animals kept is limited. I do people not animals. I suggest that once you set the criteria for licensing you work with the humane society to do an annual inspection and base the annual renewal of the license on a satisfactory inspection. As a Health Department our focus is the safety and health of your citizens not the regulation of commercial animal licenses.

Cheryl Mazmanian, Director/Health Officer
Western Racine County Health Department
156 E. State Street
Burlington, WI 53105
262-763-4931
262-763-4928 (fax)

Confidentiality notice: This electronic transmission, including attachments, is intended for the sole use of the individual or entity to which it is addressed. It may contain information this is confidential, proprietary, or legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorized review, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by electronic mail and destroy all copies of the original.

Attention: Cheryl Mazmanian and Bev Gill

We are writing to ask for a commercial license for the purpose of selling rabbits.

We were asked to describe our business.

We do not look at our rabbits as a business but rather a very fun hobby that has taught my two girls lots of responsibility. We started with only one rabbit for four years. Then after being in 4-H and showing at the Racine County Fair and Wisconsin State Fair for several years started going to rabbit shows. At this time we began to get more rabbits to form our own line of rabbits

At this time before getting more rabbits I checked with the city as to any ordinances there may be about rabbits. The lady at city hall checked into it and called me back. She said there are no ordinances in the city of Burlington other than a building would need to be twenty five feet from our house.

Because we do breed our rabbits and obviously can't keep them all, we do sell the ones we are not keeping as well as some adults as we cut back. We do most of the selling at rabbit shows but do occasionally have people come to the house to purchase them. We do not breed and sell for a business purpose. We sell them at a very reasonable price it helps go towards supporting our hobby. We do not profit as the cost of raising the rabbits is much much higher than any money we get from the sales.

I am attaching a few articles and news clipping showing some of the highlights of our hobby including an article by the Racine Journal times and one of the articles written by my daughter for the Hollander the national club magazine. She is the youth director for the Holland Lop specialty rabbit club zone 3. This requires her to keep track of the news in zone 3 (5 states) and write a quarterly article .

Both of my daughters have served as youth directors for the Midwest Holland lop club. This is a club in the Midwest that promotes our breed.

They have worked really hard to better the bred and produce quality rabbits, the pay off being the pride they have from being number #1 in the state of Wisconsin and #12 in the nation for 2010.

We also help other youth in the area. The girls belong to the Burlington Back 40 4-H club. I am one of the rabbit leaders. We educate others about rabbits and help them to obtain quality healthy animals and how to care for them. We have pride in watching other youth take our rabbits to fairs and shows and win.

They also like to help out in the community when asked to do so. The girls were asked to do a presentation for the Rochester Library this past summer. My older daughter also was asked to do a presentation for the Heifer project for a church in Waterford.

Raising rabbits has taught my daughters lots of responsibility. Rabbits require care 365 days a year. Whether there is an extreme heat advisory such as we have experienced this summer or wind chill of -20 they need care.

Our rabbits obviously upset the people who live up the hill behind us. I really do not know why. Their

children have told us that their Mom hates rabbits. We have done many things to try to improve things for them .We installed a fence in their corner to block the view. We have landscaped the area to help it to look nicer. The hutch we had close to them had nesting boxes attached. Though very nice for the rabbits we removed the nest boxes so it would look nicer for the times that they look over the top of the fence.

The first time they reported us they called the humane society and reported we were slaughtering rabbits in our backyard. We do not slaughter rabbits, we raise a small fancy breed. They are not meat rabbits. In fact my daughter loves animals so much she cannot eat any meat. Animal services came to inspect. He complimented my daughters saying our place was the cleanest rabbitry he has every visited and said it was obvious they took excellent care of them.

I did not see the pictures of our compost that they sent a along with their most recent complaint but the majority of the compost was moved early spring. This compost pile bordered a vacant wood. The only way for them to see this is to walk in the woods or to stand on a ladder and look over the fence. I understand that they also printed our Babies & 4-sale pages from our website.

We bred more than usual this past spring preparing for the ARBA national rabbit convention that we plan to attend in Indiana this fall. We are not keeping all the babies but wanted to have some juniors for the convention.

We also sold more than usual this past spring & summer because my older daughter is leaving for college so we wanted to cut back.

We took pictures right after we received the letter from the city (attached) .Except for a small area (which has now been moved) this is how it has looked since early spring. I just wanted to show you that it is not the huge nuisance that they have blown this into. What was there was mixed with wood shavings and other greens and turned often .We also have PVC pipes so it has the proper air going though .We turned if often so it would compost properly .It did not smell bad. In the spring we used it as mulch. It actually looked like professional mulch and people compliment us on how nice our landscaping looks.

We were asked to keep it in airtight containers and have been doing so. We do want to ask that when it is completely broken down to the point it look like dirt, can we put it into a contained mulch area and mix it with other greens (grass, hay or leaves) for it to compost properly? It is already mixed with wood shaving but we like to add greens air & water and turn it to complete breaking down properly. My final picture is an example of what we would like to put in this compost area – it looks like soil. Others in the city are allowed to have a compost area and we would like to do the same. We would keep it fenced in and maintain it properly as we have been.

The neighbors on both sides of us have had no issues with our rabbits. The people that lived up the hill prior to this family moving in had no issues either. It appears to be an issue with only one family.

I am enclosing a check for the license fee. If you have any questions or need to talk to us about anything feel free to call us at 661-4456 or email echaglund@wi.rr.com

Thank you

Cathy Haglund



Erica Haglund, 17, right, and sister Alyssa, 14, hold two bunnies outside a pen in their back yard on Thursday in Burlington. The Haglunds raise rabbits to show at fairs and other contests. They are currently raising about 50 rabbits.

SCOTT ANDERSON scott.anderson@journaltimes.com

Buy this photo
at jtreprints.com

Bunnies aren't just for Easter at Burlington family's house

STEPHANIE JONES
stephanie.jones@journaltimes.com

BURLINGTON — The Easter Bunny came to visit this weekend, but at one Burlington home there are plenty of bunnies all year-round.

Little Cottontail with his brown ears and white face was the rabbit who started it all for the Haglund family. They now have about 50 rabbits.

Technically, Oreo came first. He was 17-year-old Erica Haglund's first rabbit seven years ago. A few years later when her sister, Alyssa, now 14, heard Cottontail could end up rabbit stew if no one took him, he ended up coming home with them.

Sooner than Erica and Alyssa knew it, there were ad-

ditional Cottontails.

"He is the one that started it," the girls' mother, Cathy, said of Cottontail.

For Erica, a senior at Burlington High School, and Alyssa, an eighth-grader at Karcher Middle School, the rabbits are more than just pets.

The girls, active in 4-H, started breeding their rabbits, mostly Holland Lops. They started showing their rabbits in competitions and advertising their rabbits online.

"When you breed them yourself and you win, it feels good," Alyssa said.

Most of the shows are within their mom's 3-hour travel limit. But some shows are as far away as Kentucky, Penn-

sylvania, and Indiana. Those are just three of the states they've been with their prize-winner, Freedom — named in recognition of his birth on the fifth anniversary of the Sept. 11, 2001, terrorist attacks.

But soon, where Erica will be living will be too far for her to travel with her bunnies.

Just as many of her rabbits have gone into "retirement" because of age, Erica will also have to take a break from shows for a while: In the fall, she starts at Boston University, where she is planning to major in communications or education.

But even far from home, she'll always have her rabbits close by. At least

 **More Online**
at journaltimes.com



Video

Erica Haglund talks about the rabbits

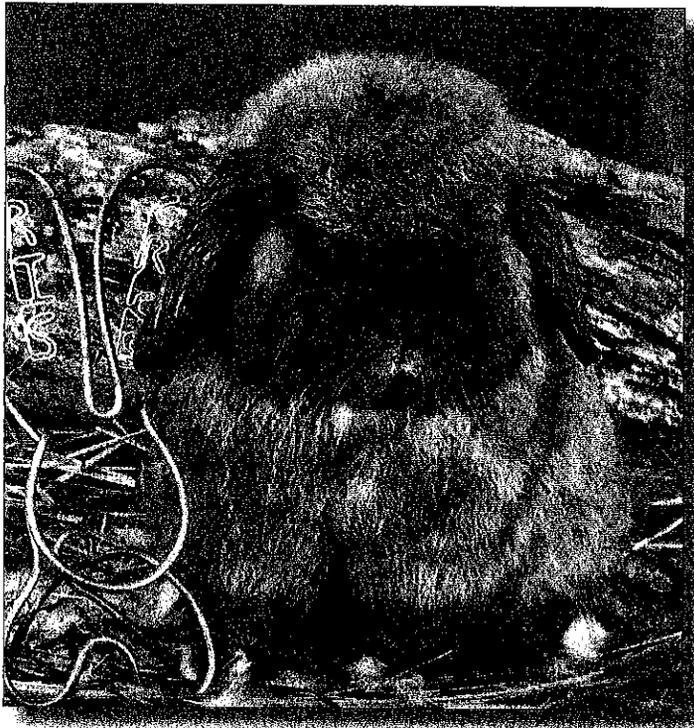
electronically.

She can go online to www.5carrotabbitty.com

She created the website a few years ago to show off her family's rabbits and sell the offspring.

When she has her own house, she said, she'll be able to start her own rabbit family.

"I really cannot imagine my life without them," Erica said about her rabbits.



*DTL's Creature - SSB
Best Reserve in Show
Tehama Butte RC - Youth A
Red Bluff CA - 12/11/10
Bred and owned by Eli, Zander & Riley Maki*

they can catch worms (especially pinworms) from the show table. I like to worm my Hollands with Safeguard Equine Wormer. It works fantastically and I don't have a problem with worms in my herd. For the record, Ivermectin (Ivomec) does not work on pinworms, and Safeguard is much easier to give than Piperazine. The rabbits actually like the taste.

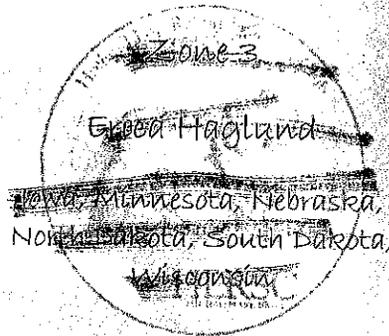
I find that if you have Hollands that chew fur, they aren't getting enough fiber. Make sure there is a plentiful supply of Timothy hay given every day.

Hope this helps! Now time for some Zone 2 wins!

I had three BOB and BOSB with a few of my SJB and SJD. Jordin Sterry Hintz had quite a few BOB and BOSB wins with her SJD Singe and SJB Gary. Eli, Zander and Riley Maki and their two absolutely gorgeous solid senior bucks, Creature and Monster, have been racking up the BOB and BOS wins. They have an awesome sable point and REW doe that have also been winning BOSB, along with some beautiful tort and broken tort does. Creature and Monster have also won multiple BIS and BRIS! Congrats Eli, Zander and Riley!

That's it for now. If you would like to be featured in the Hollander for your wins, email me at hailey_hollands@yahoo.com. BIS and BRIS pictures go to Chris Zemny.

Hollands Rule!
Hailey Ward
hailey_hollands@yahoo.com
www.haileyshollandsrabbitry2.webs.com



Hey Hollanders!

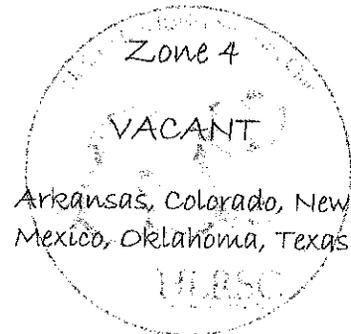
I am so happy it is finally spring! With the snow gone, taking care of the Hollands is so much easier! I am so excited for Nationals. It feels as if convention just got over, and it's nearly Nationals time again.

So the topic this Hollander is common mistakes breeders make. For new breeders, I think there are a lot of misconceptions about breeding, varying from color to the lines a rabbit comes from. I've seen countless new breeders simply pair two rabbits because they come from great lines without taking into consideration the actual type of the parents and what offspring they may possibly get. The other part of this is dealing with color, and breeding simply because of the colors parents are, I know I'm guilty of this one. I fell in love with many colors of Hollands, and was determined to get them. After awhile, I began to focus more on type, while still trying to keep as much color in my lines as I could.

While a bit off the main idea of the topic, I think another mistake some breeders make is manners at the show table. At the youth table, the majority of us have very good sportsmanship and are happy for whoever wins and congratulate them. Sure, we all like to win, but lately, I've been noticing more and more negative behavior on the part of some individuals when they don't win. I am not sure if these people realize their behavior and how it makes them look, but it really takes the fun out of things and honestly, looks awful. While this is only a very small handful of people, I think there is a very good lesson behind just remembering manners and keeping yourself in check - think about why you started showing rabbits, and remember the fun and the joy in that.

Remember, if anyone has any big winnings they'd like to share, make sure to send me an email! Also, don't forget to send in BIS And BRIS photos - it's always fun to see your Holland in the Hollander :)

~Erica
5carrotabbitry@wi.rr.com



INCLUDED IN YOUTH REPORT (Season Running 5/1/10 thru 4/30/11): Southwest WI Double 5/8, Southern Lakes All-Breed & Specs for: MR HL ND PO & NZ 5/16, Indianhead Quad 5/29 & 5/30, Fox Valley Spring Fling Double 6/5 & Single 6/6, Fox Valley National Crème Show 6/5, Upper Midwest Angora 6/6, Upper Midwest Dutch 6/6, Friendly Quad 6/26 & 6/27, Great Lakes ND 6/26, Midwest MR 6/26, Between the Lakes Double 7/11, Midwest HL 6/26, WI State Fair 8/6, Northern Exp Triple 8/14, Northern Exp Double 8/15, WI State Conv 9/11 & 9/12, Misty Hills 9/19, Upper Midwest Angora 9/19, WI Mini Lop 9/19, WI Polish 9/19, Tri State Champagnes 9/19, Upper Midwest Rex 9/19, Fox Valley Double 9/25, WI Havana Double 9/25, Great Lakes ND 9/25, Fox Valley 9/26, Upper Midwest Rex Double 9/26, Tri County 10/9 & 10/10, Central WI Double 11/13, WI New Zealand Double 11/28, WI Satin Double 11/28, WI Mini Lop Double 11/28, NEW: Midwest Lop 11/28, Blackhawk ND 11/28, Great Lakes ND 11/28, Midwest MR 12/31, Tri State Champagne 11/28, Dairyland Fuzzies 11/28, Upper Midwest Rex Double 11/28, Midwest HL 12/31, Midwest MR 12/31, Upper Midwest Angora 12/31, Midwest Lop 12/31, WI Polish 1/15, Lakeland 2/13, WI Havana 3/12, WI Satin 3/12, WI Mini Lop Double 3/12

[Ver 041211 0950] *SUBJECT TO CHANGE BASED ON CORRECTIONS/TRANSFERS*

AMERICAN - 1 SHOWN
1 Jarod, Alissa & Michelle Spillner - 35

AM. CHIN - 1 SHOWN
1 Cody Borsche - 7

AM. FUZZY LOP - 287 SHOWN
1 Dalton Kelman - 1477
2 Kateyln Neuenfeldt - 1037
3 Jarod, Alissa & Michelle Spillner - 546
4 Paige Kramer - 361
5 Ashley Vogel - 345
6 Remi Taff - 81
7 Kyle & Kris Haas - 30
8 Torie Benzshawel - 24

AMERICAN SABLE - 37 SHOWN
1 Bailey Lick - 254
2 Joshua Voigt - 130

BELGIAN HARE - 0 SHOWN

BEVEREN - 0 SHOWN

BLANC DE HOTOT - 0 SHOWN

BRITANNIA PETITE - 75 SHOWN
1 Haley Birkholz - 640
2 Remi Taff - 51

CALIFORNIAN - 304 SHOWN

1 Kelly Vierck - 988
2 C.C.H. Wetter - 549
3 Jai'Lyn draeger - 545
4 Savana Kintzler - 455
5 Amber Gengler - 387
6 Krystie Kettlewell - 276
7 Rebekah Wilbert - 236
8 Dane Schaefer - 196
9 Cian Fischer - 63
10 Jacalynn Gumz - 44
11 Dalton Kelman - 44
12 Karsyn Bartell - 32
13 Kayla Kolb - 16
14 Miranda Mitchell - 16
15 Hailey Kolb - 12
16 Ashley Robbins - 12

CHAMP D' ARGENT - 116 SHOWN
1 Amanda & Allison Williams - 822
2 Kelvin Clough - 106
3 Steph Anderson - 103
4 Kayla Kolb - 102
5 Hailee Clough - 82
6 Hailey Kolb - 14

CHECK'D GIANT - 0 SHOWN

CINNAMON - 14 SHOWN

1 Jacalynn Gumz - 64
2 Kylee & Madalyn Steinhagen - 7
3 Joshua Voigt - 7

CRÈME D' ARGENT - 125 SHOWN
1 Erin Hayward - 653
2 Kathleen Noblet - 571
3 Jarod, Alissa & Michelle Spillner - 48

DUTCH - 1450 SHOWN
1 Jacalynn Gumz - 5975
2 Erin Hayward - 5623
3 Shane Hansen - 2341
4 Bailey Lick - 1196
5 Paige Mertens - 1080
6 Hailee Clough - 818
7 Brett Thurston - 515
8 Brianna Thurston - 500
9 Amber Ziebell - 453
10 Mikayla Birschbach - 183
11 Vicky Peters - 181
12 Alastair Rickaby - 124
13 Nicholas Geraths - 104
14 Tori Jonet - 78
15 Hailey Kolb - 65
16 Lauren Demasek - 62
17 Stephanie Vissers - 56
18 Peter Mueller - 40
19 Cody Borsche - 36
20 Kayla Kolb - 30

Kersten Zimmerman - 30
21 Genavieve & Andora Cearns and Chrisanthalyn Tackett - 17
Michelle Reilly - 17
22 Vanessa Ponterio - 15
23 Malorie Baumler - 8
Kimberly Johnson - 8

DWARF HOTOT - 259 SHOWN
1 Jordan Wolff - 2027
2 Felishia Hayward - 570
3 Marnie Lasecki - 338
4 Tasha Rosenbrook - 103
5 Stephanie Vissers - 94
6 Tanille Rosenbrook - 74
7 Mikayla Birschbach - 55
8 Micaela Haas - 32
9 Cale Thom - 25
10 Brianna Frystak - 24
11 Kaitlyn Gilson - 21
12 Derek Sprecher - 14
13 Hailey Kolb - 9

ENGLISH ANGORA - 35 SHOWN
1 Nichole Wilson - 253

ENGLISH LOP - 115 SHOWN
1 Ty Adams - 556
2 Melody Miller - 372
3 Melinda Miller - 237
4 Nichole Wilson - 102
5 Skyler Hutter - 99
6 Hailee Clough - 47
7 Paige Kramer - 8

ENGLISH SPOT - 199 SHOWN
1 Brooke Rosenlund - 1276

ENGLISH SPOT - CONT
2 Nicholas Voigt - 823
3 Cale Thom - 33
4 Rebekah Wilbert - 32
5 Dalton Kelman - 29
6 Ally Nehls - 21
Joshua Voigt - 21
7 Abigail Luerssen - 14

FLEMISH GIANT - 236 SHOWN
1 Randy Niffenegger - 803
2 Alexandria Hickey - 452
3 Ashley & Matthew Reimer - 192
4 Genavieve & Andora Cearns and Chrisanthalyn Tackett - 103
5 Gabby Wohlfraf - 78
6 Kayla Kolb - 56
7 Abigail Luerssen - 48
8 Chrisanthalyn Tackett - 26
9 Jarod, Alissa & Michelle Spillner - 24
10 Ashley Robbins - 18
Stephanie Vissers - 18
11 Kathleen Noblet - 16
12 Rebecca Johnson - 12
13 Seth Augenstein - 8
14 Tori Jonet - 6
Ben Sieren - 6

FLORIDA WHITE - 19 SHOWN
1 Zachary Luerssen - 86
2 Torie Benzshawel - 16
3 Joshua Voigt - 7

FRENCH ANGORA - 24 SHOWN
1 Paige Kramer - 109
2 Amber Gengler - 80
3 Jessica Krause - 25
4 Hailee Clough - 14

FRENCH LOP - 389 SHOWN
1 Steph Anderson - 2128
2 Briana Johnson - 786
3 Melody Miller - 731
4 Rachael Grignon - 429
5 Miranda & Melody Miller - 404
6 Dalton Kelman - 360
7 Courtney Jass - 263
8 Kylee & Madalyn Steinhagen - 158
9 Shelby Davis & Leah Hartfield - 140

10 Melinda Miller - 66
11 Nicholas Voigt - 32
12 Rochelle Swenson - 30
13 C.C.H. Wetter - 20
14 Sydney Anderson - 12
Ashley Robbins - 12
15 Kelly Paul - 8

GIANT ANGORA - 0 SHOWN
GIANT CHINCHILLA - 6 SHOWN
1 Amanda & Allison Williams - 15

HARLEQUIN - 71 SHOWN
1 Ashlyn Nehls - 209
2 Nicholas Geraths - 181
3 Alastair Rickaby - 62
4 Ally Nehls - 22
Keaten Nehls - 22
5 Karsyn Bartell - 9
6 Ashley Robbins - 8

HAVANA - 310 SHOWN
1 McKenna Meyer - 868
2 Amber Ziebell - 441
3 Cale Thom - 409
4 Abigail Luerssen - 393
5 Melody Miller - 294
6 Karissa Birschbach - 214
7 Melinda Miller - 194
8 Kersten Zimmerman - 174
9 Zachary Luerssen - 152
10 Miranda & Melody Miller - 107
11 James Hinrichsen - 85
12 Miranda Mitchell - 80
13 Gillian Anderson - 14
14 Karsyn Bartell - 8
Nicholas Luerssen - 8
15 Chris Spieth - 6

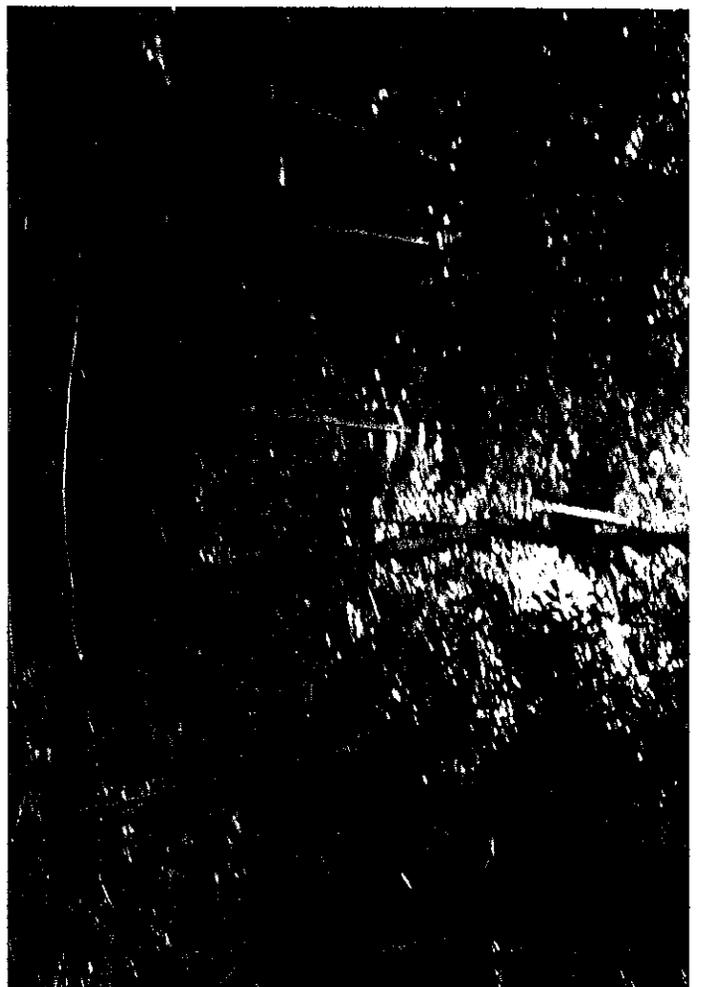
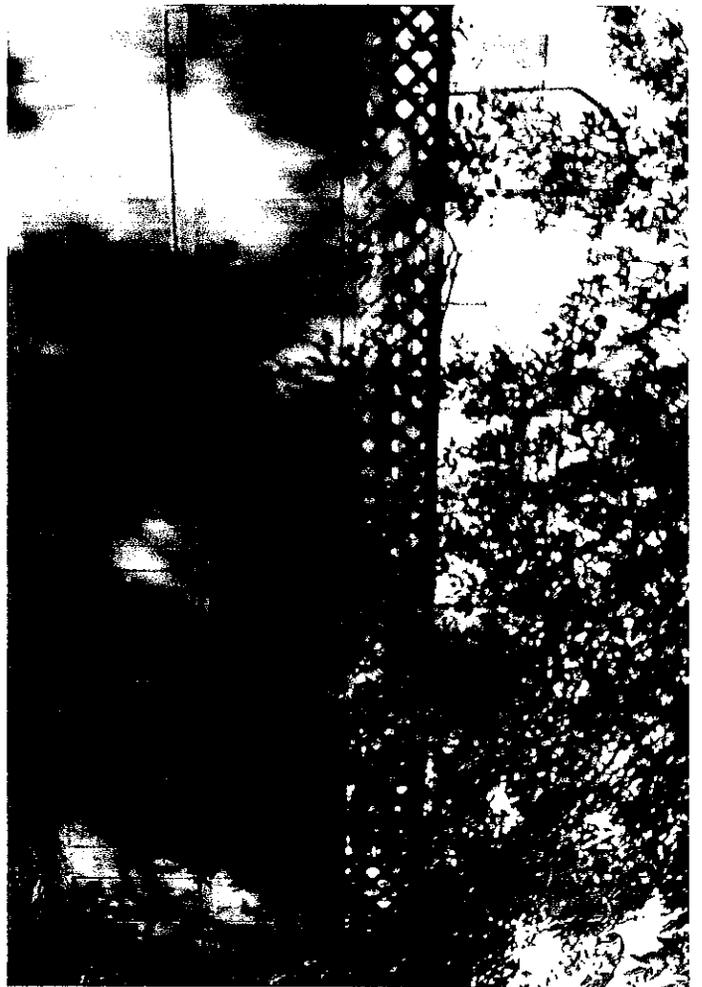
HIMALAYAN - 150 SHOWN
1 Mallory Miles - 729
2 Zack Janz - 345
3 Kaytlynn Meyer - 172
4 Dane Schaefer - 46
5 Sydney Anderson - 30
6 Hunter Christjohn - 6

HOLLAND LOP - 1841 SHOWN
Erica & Alyssa Haglund - 5562
2 Shelby Davis & Leah Hartfield - 4849

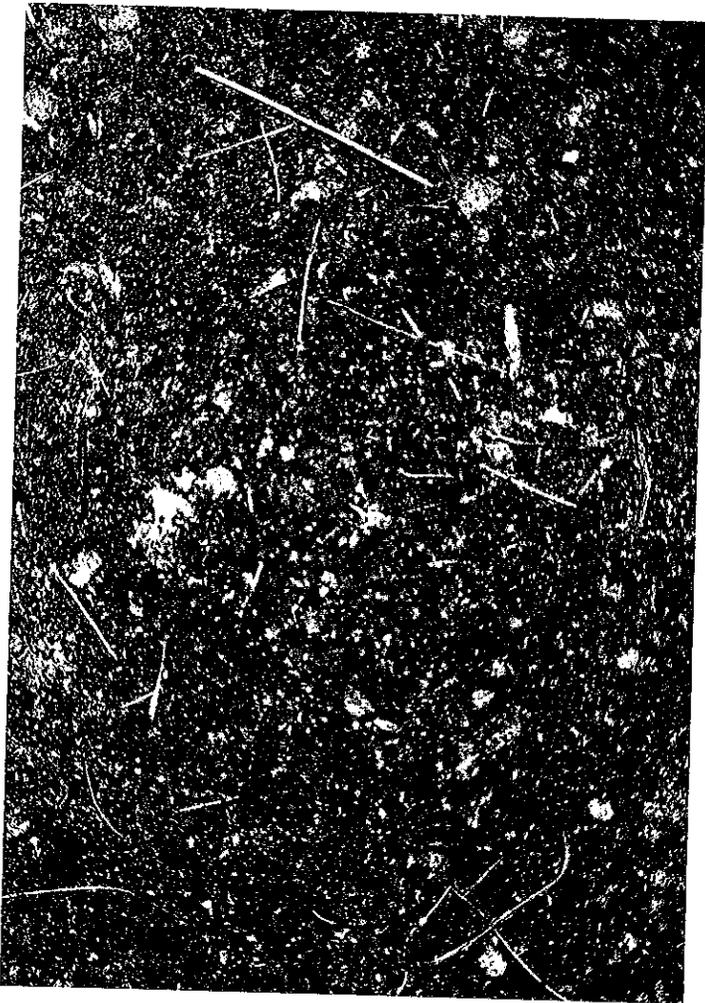
3 Amanda & Allison Williams - 2819
4 Tayla Simek - 2680
5 Jordan Wolff - 2500
6 Taylor & Kyle Deling - 2391
7 Julia Cotter - 2061
8 Torie Benzshawel - 1095
9 Jayden Rajnicek - 930
10 Kiara Krolow - 857
11 Kolton Krolow - 797
12 Amber Clark - 519
13 Bailey Krause - 513
14 Jordan & Dalton Danowski - 309
15 Rebekah Wilbert - 280
16 Rose Reible - 258
17 Erica Haglund - 178
18 Alyssa Haglund - 177
19 Matthew Camarato - 156
20 Lisa Zorowski - 96
21 Jacalyn Gumz - 87
22 Hunter Christjohn - 66
23 Abigail Luerssen - 59
24 Jenna Keiser - 49
25 Randy Niffenegger - 45

I am sending a few pictures to illustrate the area. The two pictures on the left were taken while I was inside our fenced in compost area. That is behind our shed bordering vacant woods. The pictures are blurry because I needed to zoom in so much to show you the view to their house. It is about 25 feet away to the fence. If you look close you can see the top of their enclosed trampoline. Our yard slopes down from theirs so it is not like this area is even visible to them, unless they stand on a ladder and look over the fence. The two on the right show how the area has looked since early spring. This is the same area that their submitted pictures were taken.

We did not think that this area was bothering anyone because of the location it is in.



Broken down Compost





CITY OF BURLINGTON

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

Common Council Item Number: 12A	Date: October 18, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: A public hearing to amend the Multi-Jurisdictional Comprehensive Plan for City-owned property along Maryland Avenue.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located at 824 Milwaukee Avenue and 681, 701, 733 and 756 Maryland Avenue from Government & Institutional to Industrial.

This item was recommended for approval by the Plan Commission at their September 13, 2011 meeting.

Options & Alternatives:

For public comment only.

Financial Remarks:

None.

Executive Action:

This item is for a Public Hearing at the October 18, 2011 Common Council meeting.

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE MULTI-JURISDICTIONAL
COMPREHENIVE PLAN**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that a Public Hearing will be held by the Common Council of the City of Burlington on **Tuesday, October 18, 2011 at 6:30 p.m.** Council Chambers or shortly thereafter at the Police Department, 224 East Jefferson Street, Burlington, Wisconsin to hear public comments regarding a request for an amendment to the Multi-Jurisdictional Comprehensive Plan for Racine County 2035 by ordinance in accordance with the requirements of Section 66.1001 of the Wisconsin Statutes as it pertains to:

Owner:	City of Burlington
Applicant:	City of Burlington
Applicant Address:	300 N. Pine Street, Burlington, WI
Location of Request:	824 Milwaukee Avenue and 681, 701, 732 and 733 Maryland Avenue
Existing Land Use Zoning:	Government & Institutional
Proposed Land Use Zoning:	Industrial
Tax I.D. Number:	206-03-19-29-069-010, 206-03-19-29-069-020 and 206-03-19-29-069-011

Legal Description:

ALL OF LOTS 1, 2 AND 3 OF CSM 3012 AS RECORDED IN THE RACINE COUNTY REGISTER OF DEEDS OFFICE IN VOLUME 30 ON PAGE 6 AS DOCUMENT NUMBER 2274463 LOCATED IN THE SOUTHEAST ¼ AND THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 3 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, STATE OF WISCONSIN.

Copies of the Multi-Jurisdictional Comprehensive Plan for Racine County will be available for review at City Hall at 300 N. Pine Street, the Public Library at 166 E. Jefferson, or on-line at <http://racine.uwex.edu/cnred/SmartGrowth.html>

Dated the 13th day of September, 2011.

Beverly R. Gill
City Clerk
City of Burlington

Published in the Burlington Standard Press
September 15, 2011



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

Common Council Item Number: 12B	Date: October 18, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: A public hearing to amend the Multi-Jurisdictional Comprehensive Plan for property along S. Pine Street and the Burlington Bypass.

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public to amend the Racine County Multi-Jurisdictional Comprehensive Plan for property located on S. Pine Street and the STH 11 Bypass from High Density Residential to Commercial.

This item was recommended for approval by the Plan Commission at their September 13, 2011 meeting.

Options & Alternatives:
For public comment only.

Financial Remarks:
None.

Executive Action:
This item is for a Public Hearing at the October 18, 2011 Common Council meeting.

**NOTICE OF PUBLIC HEARING
FOR AMENDING THE MULTI-JURISDICTIONAL
COMPREHENIVE PLAN**

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that a Public Hearing will be held by the Common Council of the City of Burlington on **Tuesday, October 18, 2011 at 6:30 p.m.** Council Chambers or shortly thereafter at the Police Department, 224 East Jefferson Street, Burlington, Wisconsin to hear public comments regarding a request for an amendment to the Multi-Jurisdictional Comprehensive Plan for Racine County 2035 by ordinance in accordance with the requirements of Section 66.1001 of the Wisconsin Statutes as it pertains to:

Owner: Galesburg II, LLC
Applicant: FI-L1, Owner's Agent
Applicant Address: PO Box 365, Burlington, WI
Location of Request: Part of Lot 1, CSM 1999 (adjacent 1299 S. Pine St.)
Existing Land Use Zoning: High Density Residential
Proposed Land Use Zoning: Commercial.
Tax I.D. Number: 206-02-19-04-027-111

Legal Description:

LAND TO BE REZONED TO BUSINESS ZONING IS PART OF THE SE 1/4 AND S 1/4 OF THE SW 1/4 OF SECTION 4, TOWN 2 NORTH, RANGE 19 EAST, CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN BEING MORE COMPLETELY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF CSM #1999, RECORDED IN THE RACINE COUNTY REGISTRY AS DOCUMENT 1602466; THENCE WITH THE EAST LINE OF SAID CSM S22°16'14"E, 126.36' TO A FOUND IRON PIPE; THENCE S20027'13"E, 98.77' TO THE POINT OF BEGINNING; THENCE CONTINUING S20027'13"E, 38.94' TO A POINT; THENCE S10033'10"E, 310.78'; THENCE SLSO13'41"W, 109.64' TO A POINT ON THE NORTH LINE OF STH "LL" BURLINGTON BY-PASS; THENCE WITH SAID NORTH LINE S8SO43'16"W, 203.79' TO A POINT; THENCE LEAVING SAID NORTH LINE N22°03'14"W, 368.49'; THENCE N67°56'46", 323.52' TO THE POINT OF BEGINNING. SAID LAND BEING IN THE CITY OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

SAID PARCEL CONTAINS 2.64 ACRES.

Copies of the Multi-Jurisdictional Comprehensive Plan for Racine County will be available for review at City Hall at 300 N. Pine Street, the Public Library at 166 E. Jefferson, or on-line at <http://racine.uwex.edu/cnred/SmartGrowth.html>

Dated the 13th day of September, 2011.

Beverly R. Gill
City Clerk
City of Burlington

Published in the Burlington Standard Press
September 15, 2011



CITY OF BURLINGTON

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

Common Council Item Number: 13A	Date: October 18, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4496(21) to consider an agreement with Kapur & Associates for a traffic design study and signalization analysis.

Details:

At the request of the Council, Kapur & Associates drafted an agreement to conduct a traffic study and signalization analysis for several streets in the city. In addition to the main proposal which includes the signal retiming optimization and signal warrant analysis, there are three options covering summer traffic patterns, summer traffic signal timings, and flow reversal of the Chestnut Street one-way segment in the Chestnut Street loop.

The WisDOT 2011 AADT counts for Burlington, which were completed last month, are included in this packet. These counts show a significant decrease in traffic in the downtown area, essentially confirming that the timings of the signals need to be updated.

The proposal incorporates all the issues identified by the Common Council subsequent to the September 6, 2011 meeting. The additional alternatives have been removed from the proposal.

Options & Alternatives:

The Council could choose to deny this study.

Financial Remarks:

The traffic study agreement is in the amount of \$23,732.38.

Executive Action:

This item was discussed at the September 6, 2011 Committee of the Whole and is scheduled for the Common Council meeting on October 18, 2011.

A RESOLUTION APPROVING AN AGREEMENT FOR ENGINEERING SERVICES FOR TRAFFIC ANALYSIS AND DESIGN, SIGNAL WARRANT ANALYSIS, AND TRAFFIC SIGNAL TIMING ANALYSIS IN THE CITY OF BURLINGTON WITH KAPUR & ASSOCIATES, INC. FOR THE AMOUNT OF \$23,732.38

WHEREAS, the City of Burlington has entered into a master agreement for engineering services with Kapur & Associates, Inc.; and,

WHEREAS, the City has requested engineering services for the collection of traffic data, the creation of base maps, signal warrant analysis, traffic signal timing and operations analysis, preparing a technical memorandum, attending necessary meetings and assisting with field implementation with TAPCO, which have resulted in a Traffic and Signalization Analysis Agreement, a copy which is attached hereto and made a part thereof; and,

WHEREAS, said Agreement is for the amount of \$23,732.38 and has been recommended for approval by the Public Works Director and City Administrator; and,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington enter into a Traffic and Signalization Analysis Agreement with Kapur & Associates, Inc. for the amount \$23,732.38.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute the Traffic Analysis Agreement on behalf of the City.

Introduced: September 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly Gill, City Clerk

TASK	PM	Eng	Jr. Eng	Tech	TOTAL	Expenses	FEE	Multiplier
	\$ 52.50	\$ 35.00	\$ 28.00	\$ 18.00				2.75
Task 1 - Traffic Data Collection and Base Maps								
Project Management and Administration	6				8	\$ 132	\$ 1,155.00	
Peak Hour Counts - 7-9 AM and PM 4-8 included travel					8	\$ 132	\$ 528.00	
Pine Street & Bridge/Roberts				9		\$ 132	\$ 528.00	
Milwaukee & Pine				9		\$ 132	\$ 528.00	
Milwaukee & Chestnut				9		\$ 132	\$ 528.00	
Bridge & Adams				9		\$ 132	\$ 528.00	
Bridge & Jefferson				10		\$ 132	\$ 528.00	
State & Main				9		\$ 132	\$ 528.00	
Pine Street & Chestnut Street				9		\$ 132	\$ 528.00	
12 hour counts - 8am to 8 pm includes travel assumes 3 shifts								
Pine & Adams	1			18		\$ 188	\$ 1,134.38	
Pine & Jefferson				18		\$ 188	\$ 960.00	
Compile Counts		1	4				\$ 412.50	
Balance line to 2008 counts at remainder of study area		1	4				\$ 412.50	
Task 2 - Signal Warrant Analysis - 2 locations								
Pine & Jefferson		10			10	\$ 1,045.00		
Warrant Analysis - all volume warrants and no crash warrant	1	1			2	\$ 248.88		
Recommendations								
Task 3 - Traffic Signal Timing and Operations Analysis								
Pine Street Corridor								
Existing Conditions - 4 intersections		4			4	\$ 418.00		
update 2008 model with 2011 traffic volumes		4			4	\$ 418.00		
optimize model with 2011 volumes		4			4	\$ 418.00		
compile queuing and LOS		4	4		4	\$ 308.00		
recommendations	1	3			4	\$ 457.88		
Milwaukee Avenue Corridor								
Existing Conditions - 5 intersections		5			5	\$ 522.50		
update 2008 model with 2011 traffic volumes		5			5	\$ 522.50		
optimize model with 2011 volumes		6			6	\$ 627.00		
compile queuing and LOS		5	5		5	\$ 385.00		
recommendations	1	4			5	\$ 562.38		
Bridge Street Corridor								
Existing Conditions - 5 intersections		5			5	\$ 522.50		
update 2008 model with 2011 traffic volumes		5			5	\$ 522.50		
optimize model with 2011 volumes		6			6	\$ 627.00		
compile queuing and LOS		6	5		6	\$ 385.00		
review railroad prescription	4	4			8	\$ 965.50		
recommendations	1	4			5	\$ 662.38		
Task 4 - Technical Memorandum								
Report Text & Exhibits - Draft	2	10	10	14	36	\$ 2,715.75		
Finalize report and submittal to City		2			2	\$ 150	\$ 359.00	
Task 5 - Meetings								
Field Assessment	1	6			7	\$ 86	\$ 837.38	
Council Meeting	1	2			3	\$ 66	\$ 419.38	
Task 6 - Field Implementation with TAPCO								
Implementation and line tuning		17			17	\$ 148	\$ 1,916.50	

Total Hours	21	109	32	116	174	\$1,742	\$ 23,732.38	\$ 23,732.38
Raw Labor	\$1,102.60	\$ 4,142.00	\$ 896.00	\$ 1,856.00	\$ 7,996.50			
Mult.					2.75	\$ 21,960.38		
Expenses					\$1,742			
TOTAL						\$ 23,732.38		

Optional tasks:

Task 1 - Reverse flow in downtown Triangle (Milwaukee Ave. with Pine, Chestnut and Pine Intersection with Chestnut)

Redistribute Traffic at 3 intersections, 2 time periods	2	6			8	\$ 915.75		
Reassign lane utilization	2	6			8	\$ 915.75		
update 2008 model with reassigned 2011 traffic volumes		4			4	\$ 622.00		
optimize model with 2011 volumes - check that does not impact other findings		8			8	\$ 836.00		
complete queuing and LCS recommendations	1	4			5	\$ 662.38		

Task 2 - Summer Tourist season Traffic Data Collection and Base Maps

Project Management and Administration	8				8	\$ 1,155.00		
Peak Hour Counts - 7-9 AM and PM 4-6 Includ travel					9	\$ 132		
State & Main				9	10	\$ 626.00		
Milwaukee & Bridge				9	10	\$ 626.00		
Milwaukee & Chestnut				10	10	\$ 626.00		
Milwaukee & Pine				9	8	\$ 484.00		
Pine & Adams				9	8	\$ 484.00		
Pine & Jefferson				10	10	\$ 626.00		
Pine Street & Bridge/Roberts				9	9	\$ 522.50		
Bridge & Adams				10	10	\$ 626.00		
Bridge & Jefferson				10	10	\$ 626.00		
Compile Counts		1	4			\$ 412.50		
Balance final to 2008 counts at remainder of study area		1	4			\$ 412.50		

Task 3 - Summer Traffic Signal Timing Plans

Pine Street Corridor								
Existing Conditions - 4 intersections	4	4			4	\$ 418.00		
update 2008 model with 2011 traffic volumes	4	4			4	\$ 418.00		
optimize model with 2011 volumes					4	\$ 457.88		
recommendations	1	3			0	\$ -		
Milwaukee Avenue Corridor								
Existing Conditions - 5 intersections	5	5			5	\$ 522.50		
update 2008 model with 2011 traffic volumes	5	5			5	\$ 522.50		
optimize model with 2011 volumes					5	\$ 522.50		
recommendations	1	4			5	\$ 662.38		
Bridge Street Corridor								
Existing Conditions - 5 intersections	5	5			5	\$ 522.50		
update 2008 model with 2011 traffic volumes	5	5			5	\$ 522.50		
optimize model with 2011 volumes					5	\$ 522.50		
recommendations	1	4			5	\$ 662.38		

Total Hours	16	83	8	84	106	1188	\$ 16,483.50	\$ 16,483.50
Raw Labor	\$ 840.00	\$ 3,154.00	\$ 224.00	\$ 1,344.00	\$ 5,562.00			
Mult.					2.75	\$ 15,295.50		
Expenses					\$1,188			
TOTAL						\$ 16,483.50		

AGREEMENT FOR ENGINEERING SERVICES

THIS AGREEMENT is entered into between **Kapur & Associates** (Client) and **Traffic Analysis & Design, Inc.** (Engineer), based upon Client's intention to prepare traffic signal timing plans for various intersections in the City of Burlington, Wisconsin (the Project) and Client's requirement for certain engineering services in connection with the Project (the Services) which Engineer is prepared to provide.

1. Engineer shall provide the Services described in Attachment A, "Scope of Services", according to Attachment A, "Schedule".
2. Client shall pay Engineer in accordance with Attachment A, "Compensation". Invoices shall be due and payable upon receipt. Invoice amounts not paid within 30 days after receipt shall accrue interest at the rate of 1.5% per month (or the maximum rate permitted by law, if less), with payments applied first to accrued interest and then to unpaid principal.
3. The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.
4. Engineer shall not be liable to Client for any consequential damages resulting in any way from the performance of the Services. To the fullest extent permitted by law, Engineer's liability under this Agreement shall not exceed Engineer's total compensation actually received under this Agreement.
5. Engineer and Client waive all rights against each other for damages covered by property insurance during and after the completion of the Services.
6. Notwithstanding anything to the contrary in any Attachments hereto, Engineer has no responsibility for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; or (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to Client or to comply with federal, state, or local laws, regulations, and codes.
7. Engineer does not guarantee that proposals, bids, or actual Project costs will not vary from Engineer's cost estimates or that actual schedules will not vary from Engineer's projected schedules.
8. This Agreement may be terminated upon written notice at Client's convenience or by either party in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. Engineer shall terminate performance of Services on a schedule acceptable to Client, and Client shall pay Engineer for all Services performed and reasonable termination expenses. Paragraphs 4 and 5 shall survive any termination or completion of this Agreement.
9. All documents prepared by Engineer pursuant to this Agreement are instruments of service in respect to the Project. Any use except for the specific purpose intended by this Agreement will be at the user's sole risk and without liability or legal exposure to Engineer. Engineer shall retain its ownership in its data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of Engineer.
10. The Services provided for in this Agreement are for the sole use and benefit of Client and Engineer. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Client and Engineer.
11. Any notice required by this Agreement shall be made in writing to the address specified below:
 - Client:** Kapur & Associates, Inc.
6025 South Pine Street
Burlington, WI 53105
 - Attn:** Mr. Thomas Foht, P.E.

 - Engineer:** Traffic Analysis & Design, Inc.
N36 W7505 Buchanan Street
Cedarburg, WI 53012
 - Attn:** Mr. John A. Bieberitz, P.E., PTOE

IN WITNESS WHEREOF, Client and Engineer have executed this Agreement, effective as of August 12, 2011.

Kapur & Associates, Inc. (Client)

Traffic Analysis & Design, Inc. (Engineer)

By: _____

By: _____

Title: _____

John A. Bieberitz, P.E., PTOE

Date: _____

Date: 8/12/2011

ATTACHMENT A

SCOPE OF SERVICES

Engineer shall provide the Services described below. As indicated, Tasks 1-3 include activities involved with Data Collection, Traffic Signal Warrant Evaluation, preparation of Traffic Signal Timing Plans including Railroad Preemption mode for various intersections in the City of Burlington. A discussion of current WisDOT traffic signal "Flash Mode" will also be included. The study area includes the following corridors/intersections:

Pine Street Corridor includes the following intersections:

- Pine Street & Bridge/Roberts Street
- Pine Street & Adams Street
- Pine Street & Jefferson Street
- Pine Street & Milwaukee Avenue

The Milwaukee Avenue Corridor includes the following intersections:

- Milwaukee Avenue & Falcon Ridge Drive
- Milwaukee Avenue & Grove Street
- Milwaukee Avenue & Bridge Street
- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

The Bridge Street Corridor includes the following intersections:

- Bridge Street & Pine Street
- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- Bridge Street & Milwaukee Avenue
- State Street and Main Street

Task 1: Data Collection School Year Traffic Pattern

WisDOT coverage counts indicate traffic patterns have been significantly affected by the Burlington Bypass. The shift in traffic patterns requires the traffic signal timings at the study area intersections to be redesigned to optimize operation. The Engineer will conduct peak hour turning movement counts at the following study area intersections. The turning movement counts will be utilized by the engineer to model traffic operations and optimize traffic signal timings. The WisDOT coverage counts cannot be used for the design of traffic signal timing, since they indicate only the volume of the roadway as a whole whereas turning movement counts provide the volume of each movement, left turn, right turn, and thru movement at each intersection.

Turning movement counts will not be conducted at all study area intersections listed as follows:

Peak Hour Counts for Traffic Signal Timing

Pine Street Corridor:

- Pine Street & Bridge/Roberts Street
- Pine & Chestnut Street

The Milwaukee Avenue Corridor:

- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

The Bridge Street Corridor:

- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- State Street and Main Street

Peak hour counts will be conducted from 7-9am and 4-6pm. The traffic counts will be conducted on a typical weekday when school is in session and the construction on Chestnut Street is completed.

12 Hour Counts for Signal Warrant Analysis & Traffic Signal Timing

Pine Street Corridor:

- Pine Street & Adams Street
- Pine Street & Jefferson Street

To evaluate if traffic signals are warranted at a particular location, 12 hours of traffic count data is compared to traffic signal “warrants” listed in the *Manual on Uniform Traffic Control Devices*. These warrants are the standard utilized by WisDOT to evaluate if a signal is warranted at a particular location. The data collected for the 12 hour counts will also be used to for the traffic operations analysis and to design traffic signal timings at these intersections. 12 hour counts will be conducted from 6am and 6pm. The traffic counts will be conducted on a typical weekday when school is in session and the construction on Chestnut Street is completed.

Task 2: Signal Warrant Analysis – Pine Street & Jefferson; Pine Street & Adams

The Engineer will compile the 12-hour turning movement counts at the Pine Street intersection with Jefferson Street and Adams Street. The 12-hour count data from these intersections will be compared to the traffic signal warrant thresholds in the 2003 Manual of Uniform Traffic Control Devices (MUTCD) to determine if a traffic signal is warranted. More specifically, traffic volume warrants 1, 2, 3, 4, 5, 8, and the WisDOT Left Turn Conflict Analysis will be evaluated. Warrants 6 (Coordinated Signal System) will not be evaluated. If one or more traffic warrant is met the traffic signal is considered warranted for installation.

Task 3: Traffic Signal Timing and Operational Analysis

The Engineer has met with City staff in the field, driven the downtown corridors, and discussed current complaints the City has received from the public. These comments have been incorporated into the scope for this project. The Engineer has been directed by City staff to collect data, analyze, and prepare improvements for the following intersections within each of the respective downtown corridors:

Pine Street Corridor:

Pine Street Corridor includes the following intersections:

- Pine Street & Bridge/Roberts Street
- Pine Street & Adams Street
- Pine Street & Jefferson Street
- Pine Street & Milwaukee Avenue

Existing Conditions Analysis

Engineer will compile the traffic count data for the weekday AM and PM peak hours to determine the volumes that will be utilized to establish the existing operating conditions of the corridor. Engineer will utilize this information to develop 2011 existing conditions traffic models for the weekday AM and PM peak hours using the SYNCHRO traffic model. The existing conditions model will serve as a base condition.

Improvement Analysis

Engineer will make recommendations to each intersection within the corridor as required to optimize operation of individual intersections and the overall corridor for the weekday AM and PM peak periods. If traffic signals at the Pine Street intersections with Jefferson Street and Adams Street are found to not meet MUTCD traffic signal warrants, an alternative improvement analysis model will be built to assess the impact of removing traffic signals at these locations.

Level of service and maximum queues will be reported for each scenario. Recommendations for signal phasing and timing will be made based on the peak hour traffic volumes. Maximum queues for each movement will be compared to the existing turn lane storage and adjustments to the signal timing will be made to minimize problematic queues (if feasible).

Milwaukee Avenue Corridor

The Milwaukee Avenue Corridor includes the following intersections:

- Milwaukee Avenue & Falcon Ridge Drive
- Milwaukee Avenue & Grove Street
- Milwaukee Avenue & Bridge Street
- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

Existing Conditions Analysis

Engineer will compile the traffic count data for the weekday AM and PM peak hours to determine the volumes that will be utilized to establish the existing operating conditions of the corridor. Engineer will utilize this information to develop 2011 existing conditions traffic models for the weekday AM and PM peak hours using the SYNCHRO traffic model. The existing conditions model will serve as a base condition. It is noted that the intersection of Milwaukee Avenue with Falcon Ridge Drive, Grove Street, and Bridge Street are currently operating acceptably. No signal timing improvements are expected at these intersections. However, since the Milwaukee Avenue intersection with Pine Street is included in this corridor, all intersections must be included in the analysis, since these are all interconnected.

Improvement Analysis

Engineer will make recommendations to each intersection within the corridor as required to optimize operation of individual intersections and the overall corridor. Level of service and maximum queues will be reported for each scenario. Recommendations for signal phasing and timing will be made based on the peak hour traffic volumes. Maximum queues for each movement will be compared to the existing turn lane storage and adjustments to the signal timing will be made to minimize problematic queues (if feasible).

Bridge Street Corridor Plan

The Bridge Street Corridor includes the following intersections:

- Bridge Street & Pine Street
- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- Bridge Street & Milwaukee Avenue
- State Street and Main Street

Existing Conditions Analysis

Engineer will compile the traffic count data for the weekday AM and PM peak hours to determine the volumes that will be utilized to establish the existing operating conditions of the corridor. Engineer will utilize this information to develop 2011 existing conditions traffic models for the weekday AM and PM peak hours using the SYNCHRO traffic model. The existing conditions model will serve as a base condition.

Improvement Analysis

Engineer will make recommendations to each intersection within the corridor as required to optimize operation of individual intersections and the overall corridor for the weekday AM and PM peak periods. The Engineer will evaluate the intersection of State and Main for new traffic signal timings and recommend if left turn arrows should be added, removed, or the timing adjusted to improve traffic flow. The Engineer will also consult the coverage counts conducted by WisDOT and recommend when this signal should be put into "flash" mode or if it should operate continuously.

The intersections of Bridge Street with Adams Street and Jefferson Street shall be evaluated to determine if left turn phasing is necessary and the traffic signal timings at these intersections will be optimized. The railroad preemption settings will also be reviewed to determine if the clearance phase following a train can be changed from Bridge Street to the side streets.

Task 4 - Technical Memorandum

Engineer will prepare a Technical Memorandum documenting the existing conditions, traffic counts, traffic analysis, recommendations and final timing plans.

Task 5 - Implementation of Traffic Signal Timing Plans

Engineer will coordinate with TAPCO for the field implementation of the traffic signal timing plans. Engineer will be present in the field for the traffic signal timing implementation to fine-tune the offsets as necessary for optimum progression on the corridor. Engineer will spend up to two days with TAPCO in the field for the implementation of the traffic signal timing plans. If additional days in the field are needed, it will be considered as additional services requiring a contract amendment.

Task 6 - Meetings

Two meetings, including the initial field visit with City Staff and field fine-tuning with TAPCO are included in this scope of services. Additional meetings requiring attendance by the Engineer will be considered as additional services requiring a contract amendment.

SCHEDULE

Engineer will submit a technical memorandum for each task within four weeks of all traffic count data. If the Client requests an accelerated schedule, every effort will be made to meet the Client's needs.

COMPENSATION

For the services described above, Client shall pay Engineer the lump sum fee for each of the three tasks as follows:

- Task 1 – Traffic Counts (school in session): \$7,933.00
- Task 2 – Traffic Signal Warrant Analysis: \$1,294.00
- Task 3 – Traffic Signal Timing and Optimization Analysis: \$8,254.00
- Task 4 – Technical Memorandum: \$3,079.00
- Task 5 – Implementation of Signal Timing Plans: \$1,917.00
- Task 6 – Meetings (2): \$1,257.00

Total compensation for Tasks 1 thru 6 is Twenty-Three Thousand Seven Hundred Thirty-Four Dollars (\$23,734.00).

All services not cited in Attachment A, Scope of Services, will be conducted as additional services.

Optional Task 1: Improvement Analysis – Chestnut Street One-way Flow Reversal

If authorized, an additional analysis will be conducted to determine the effect of traffic operation of reversing the flow of traffic on Chestnut Street between Milwaukee Avenue and Pine Street. This analysis will involve redistributing existing traffic patterns at the Milwaukee Avenue intersection with Chestnut Street and Pine Street and the Pine Street intersection with Chestnut Street.

The redistributed traffic volumes and revised intersection geometrics would be modeled using SYNCHRO and compared to the existing conditions analysis to determine what improvement if any this alternative is expected to have on the operation of the individual intersections, the Pine Street corridor, and the Milwaukee Avenue corridor.

Optional Task 2: Summer Traffic Counts

If authorized, Optional Task 2 would authorize the Engineer to conduct peak hour turning movement counts during the summer of 2012. The summer traffic pattern would be determined from these counts and the signal timings adjusted for the summer tourist season. The intersections that would be counted are listed below:

Peak Hour Counts for Traffic Signal Timing

Pine Street Corridor:

- Pine Street & Bridge/Roberts Street

The Milwaukee Avenue Corridor:

- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

The Bridge Street Corridor:

- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- State Street and Main Street

Pine Street Corridor:

- Pine Street & Adams Street
- Pine Street & Jefferson Street

Peak hour counts will be conducted from 7-9am and 4-6pm.

Task 3: Summer Traffic Signal Timing Plans

The Engineer will update the SYNCHRO traffic model with summer 2012 traffic counts and develop timing plans for each of the downtown corridors. No report will accompany this analysis. A one page technical memo and signal timing sheets with maximum green times and offsets will be the deliverable for implementation in the field.

Pine Street Corridor:

Pine Street Corridor includes the following intersections:

- Pine Street & Bridge/Roberts Street

- Pine Street & Adams Street
- Pine Street & Jefferson Street
- Pine Street & Milwaukee Avenue

Milwaukee Avenue Corridor

The Milwaukee Avenue Corridor includes the following intersections:

- Milwaukee Avenue & Falcon Ridge Drive
- Milwaukee Avenue & Grove Street
- Milwaukee Avenue & Bridge Street
- Milwaukee Avenue & Pine Street
- Milwaukee Avenue & Chestnut Street

Bridge Street Corridor Plan

The Bridge Street Corridor includes the following intersections:

- Bridge Street & Pine Street
- Bridge Street & Adams Street
- Bridge Street & Jefferson Street
- Bridge Street & Milwaukee Avenue
- State Street and Main Street

COMPENSATION

For the services described above, Client shall pay Engineer the lump sum fee for each of the three optional tasks as follows:

- Optional Task 1 – Improvement Analysis – Chestnut Street One-way Flow Reversal: \$5,111.00
- Optional Task 2 – Summer Traffic Counts (summer 2012): \$6,864.00
- Optional Task 3 – Summer Traffic Signal Timing Plans: \$4,509.00

AUTHORIZATION FOR OPTIONAL TASK 1: Improvement Analysis – Chestnut Street One-way Flow Reversal

Kapur & Associates, Inc. (Client)

By: _____

Title: _____

Date: _____

AUTHORIZATION FOR OPTIONAL TASK 2: Summer Traffic Counts

Kapur & Associates, Inc. (Client)

By: _____

Title: _____

Date: _____

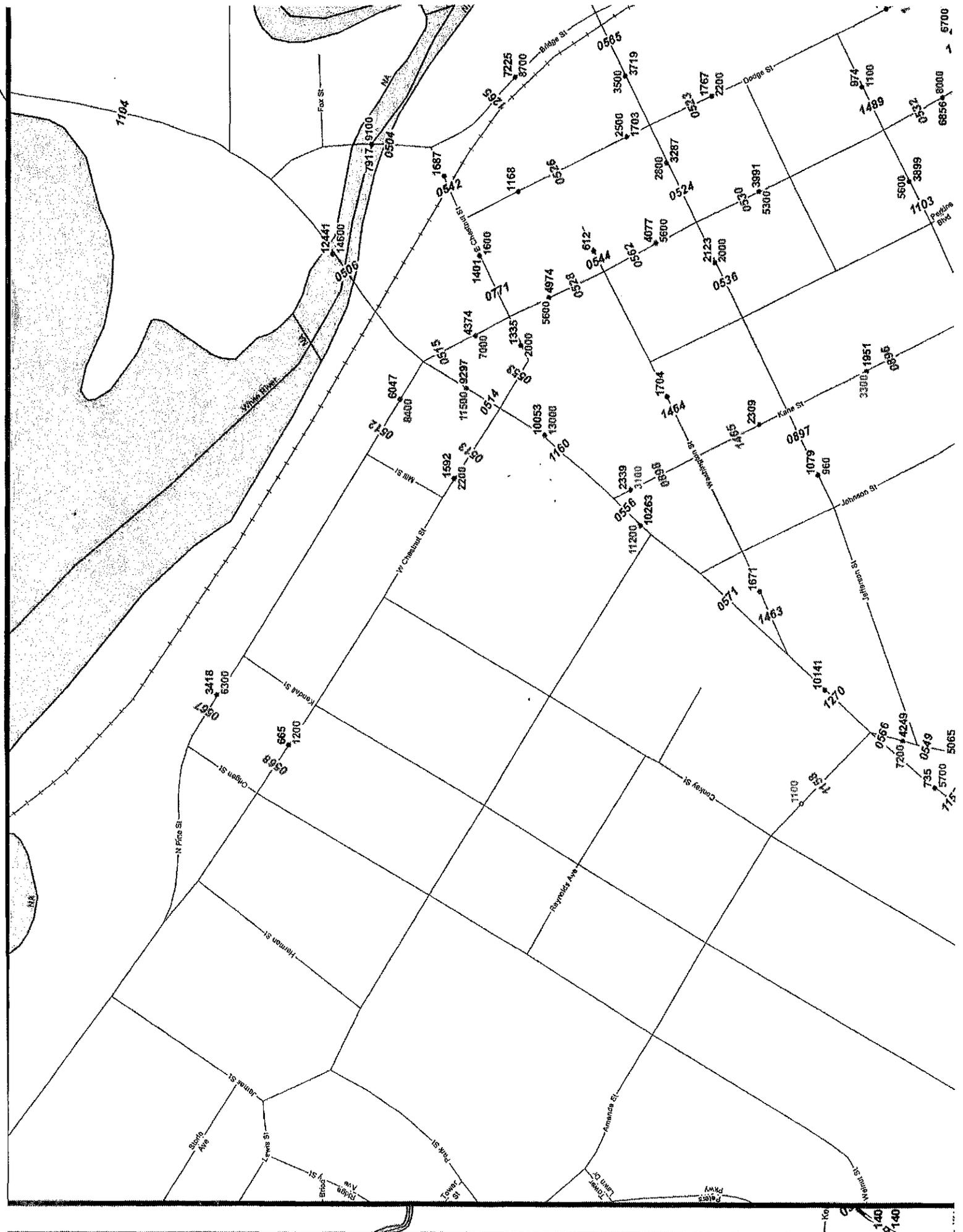
AUTHORIZATION FOR OPTIONAL TASK 3: Summer Traffic Signal Timing Plans

Kapur & Associates, Inc. (Client)

By: _____

Title: _____

Date: _____



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1687

0542

1168

0536

0524

2800

3287

0523

1767

2200

0524

2500

3500

3719

0523

1767

2200

0524

2500

3500

3719

0523

1767

2200

1704

12444

14600

05006

7917 9100

0504

1687

0542

1168

0536

0524

2800

3287

0523

1767

2200

0524

2500

3500

3719

0523

1767

2200

0524

2500

3500

3719

0523

1767

2200

1704

12444

14600

05006

7917 9100

0504

1687

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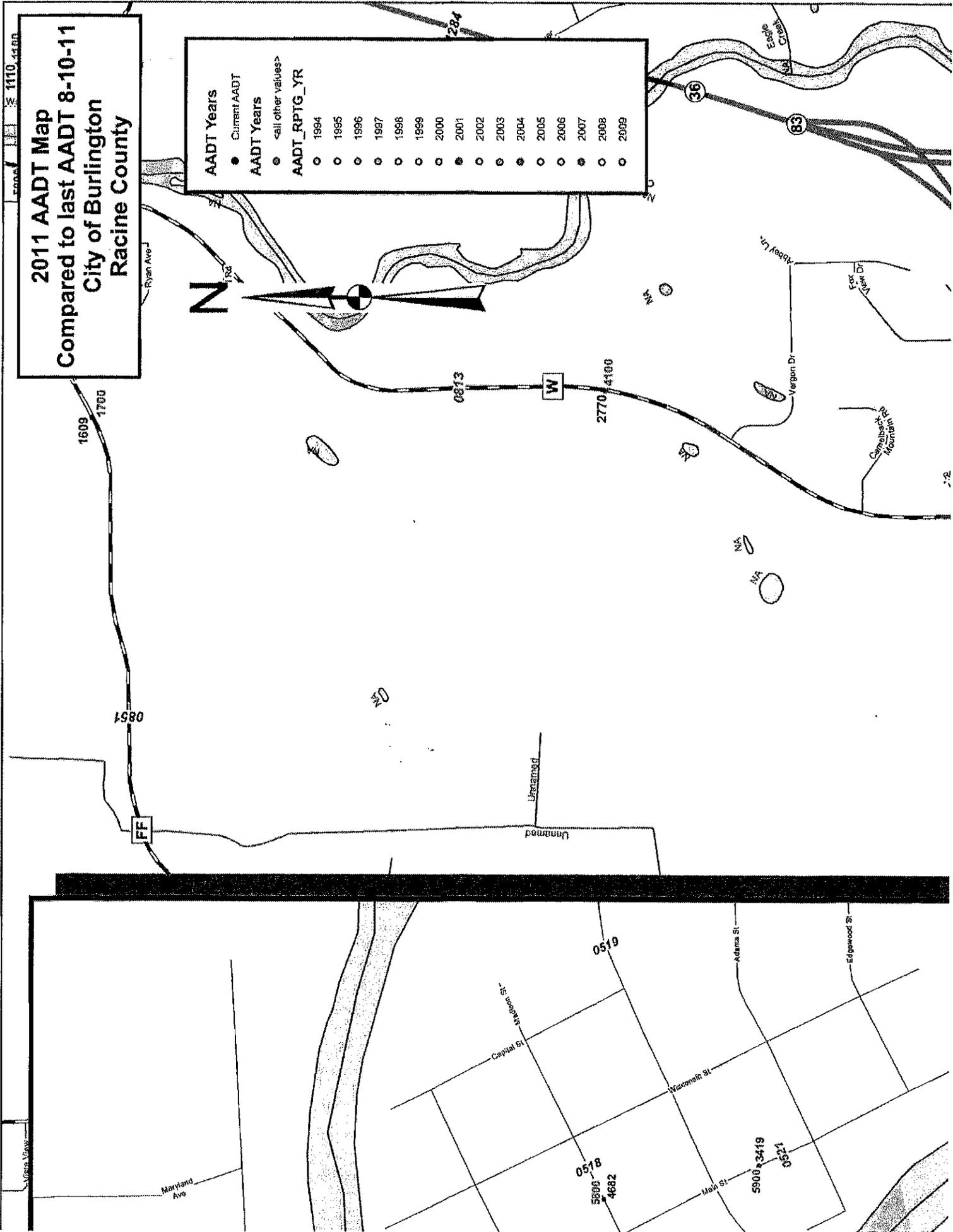
2200

0524

2500

2011 AADT Map Compared to last AADT 8-10-11 City of Burlington Racine County

AADT Years	
●	Current AADT
AADT Years	
○	<all other values>
AADT_RPTG_YR	
○	1994
○	1995
○	1996
○	1997
○	1998
○	1999
○	2000
○	2001
○	2002
○	2003
○	2004
○	2005
○	2006
○	2007
○	2008
○	2009





Department of Public Works

Street & Park Department
824 Milwaukee Avenue, Burlington, WI, 53105
(262) 763-2060 – (262) 763-5492 fax
www.burlington-wi.gov

Common Council Item Number: 13B	Date: October 18, 2011
Submitted By: Dan Jensen, DPW Supervisor and Tom Foht, City Engineer	Subject: Resolution 4502(27) to consider Task Order #82 for Engineering Services for the Wall at 301 Lewis Street.

Details:

Among the responsibilities of owning the retention wall at 301 Lewis Street is its maintenance and upkeep. Currently the sidewalk at the top of the wall is completely undermined. There is not an effective way to drain the property so that the back of the wall (under the sidewalk) is not eroded. Kapur's will do a drainage analysis and propose a number of options to take care of this problem. Also, the fencing at the top of the wall may not be height compliant subjecting the city to possible liabilities. Kapur will make design recommendations to solve the drainage problem behind the wall and determine what needs to be done with the fencing at the top of the wall after gaining permission to move forward through approval of this task order.

Staff has reviewed and recommends approval of this task order.

Options & Alternatives:

If the erosion behind the wall is ignored, the citizens at the address will have to redress their issues through other means. Also, if nothing is done the sidewalk will continue to settle and the impact to the wall will remain unknown.

Financial Remarks:

The cost of this engineering task order is in the amount not to exceed \$6,303.

Executive Action:

This item was discussed at the October 4, 2011 Committee of the Whole meeting and is placed on the October 18, 2011 Common Council meeting for consideration.

Resolution Number: 4502(27)
Introduced by: Committee of the Whole

A RESOLUTION APPROVING TASK ORDER NUMBER EIGHTY-TWO, A DESIGN ENGINEERING AGREEMENT WITH KAPUR & ASSOCIATES, INCORPORATED TO PROVIDE CIVIL ENGINEERING SERVICES FOR THE COMPLETE DESIGN, SPECIFICATION AND BID SOLICITATION FOR SURVEY, DRAINAGE ANALYSIS AND SIDEWALK IMPROVEMENTS LOCATED AT 301 LEWIS STREET NOT TO EXCEED AMOUNT OF \$6,303

WHEREAS, the City of Burlington has entered into a master agreement for engineering services with Kapur and Associates, Inc.; and,

WHEREAS, the City has requested assistance to provide civil engineering services for the complete design, specification and bid solicitation for survey, drainage analysis and sidewalk improvements located at 301 Lewis Street resulting in a task order, a copy of which is attached hereto and made a part thereof; and,

WHEREAS, said task order is for the not-to-exceed amount of \$6,303 and has been recommended for approval by the Department of Public Works Director.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that Task Order Number Eighty-Two is hereby approved for the not-to-exceed amount of \$6,303.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute Task Order Number Eight-Two on behalf of the City.

Introduced: October 4, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**TASK ORDER NUMBER #82
CIVIL ENGINEERING SERVICES**

This Task Order is made as of September 19, 2011 under the terms and conditions established in the MASTER AGREEMENT FOR ENGINEERING SERVICES, (the Agreement), between the **City of Burlington (Owner)** and **Kapur & Associates, Inc. (Engineer)**. This Task Order is made for the following purpose:

At the request of the City we offer to provide civil engineering services for the complete design, specification and bid solicitation for survey, drainage analysis and sidewalk improvements located at 301 Lewis Street. The city has received numerous complaints from the homeowner of sidewalk deterioration and undermining due to heavy rainfall runoff. The property is located at the intersections of Origen and Lewis and has a large retaining wall below the sidewalk. The wall varies in height from 3 to 7 feet. The Department of Public works has requested that we provide a scope of services to investigate, and prepare plans and specifications for improvements.

Section A. – Scope of Services

Engineer shall perform the following Services:

Plan Preparation Activities

1. Provide field survey, reviews, plan & specifications for the Militzer Property located at 301 Lewis Street. Plans to include drainage analysis, grading plans, erosion control, sidewalk plans, restoration plan and details necessary for construction.
2. Provide plan preparation with the coordination of city staff for the improvements of the drainage and sidewalk issues at 301 Lewis Street.
3. Prepare, provide and solicit bid specifications and plans.

Construction Management Activities

4. Provide administrative services to manage client coordination/invoicing, project schedules, contract change order documentation, establish project logs, formatting contract quantity estimating and contractor invoicing and contract closeout documentation for base bid projects.
5. Process payment requests from the contractor for their work and prepare recommendation for payment for City approval. Complete final close out documentation and acceptance of improvements memorandum.

6. Prepare and provide project update memorandum and provide copies of the daily journal entries to City staff upon request.

Section B. – Schedule

Engineer shall perform the Scope of Services and deliver the related Documents according to the following schedule:

1. Schedule to be determined based on execution of contract.

Section C. – Compensation

In return for the performance of the foregoing obligations, Owner shall pay to Engineer an amount not-to-exceed Written Dollar Amount (6,300.00) payable according to the following terms:

A not-to-exceed amount based on the rates as listed in Attachment A of the Agreement, plus direct expenses. Cost plus services are limited to an agreed maximum figure unless amended.

Engineer may request a change to the billing hours if scope changes, beyond the control of the Engineer, resulting in an extension of the schedule or necessitates a change in personnel.

Compensation for Additional Services (if any) shall be paid by Owner to Engineer according to the hourly billing rates shown in Attachment A of the Agreement.

IN WITNESS WHEREOF, the Owner and Engineer have executed the Task Order.

Owner: City of Burlington

Engineer: Kapur & Associates, Inc.

By: _____

By: Thomas W. Foht

Signature: _____

Signature: _____

Title: _____

Title: Associate

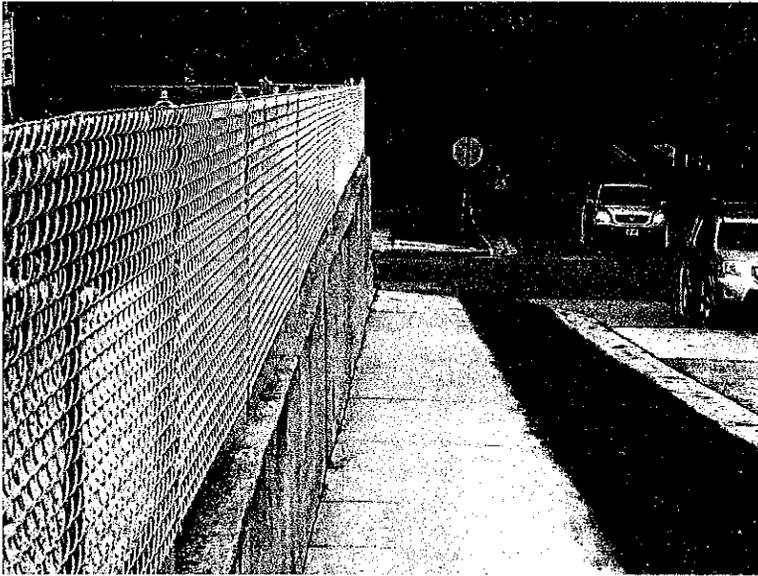
Date: _____

Date: _____

Kapur Associates, Inc.
Summary of Staff Hours and Labor Costs
for the
City of Burlington

TASK ORDER 82																						
301 Lewis Survey and Storm Water Analysis																						
CLASSIFICATION	Project Manager		Project Engineer		Surveyor		Construction Project Engineer		Staff Engineer		Construction Staff Engineer		Senior Technician		Technician		Survey Crew		Total Labor			
	ACT. Code	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	
Average Hourly Wage		\$133.00		\$103.00		\$90.00		\$91.00		\$76.00		\$76.00		\$68.00		\$56.00		\$115.75				
TASK DESCRIPTION																						
Survey/Design																						
Survey/Mapping/Field Review																						
Alternative Analysis Preparation				2	\$206.00													4	\$463.00		8	\$767.00
Plan Preparation																						
Administration/Meetings				2	\$206.00																	
Bid Documentation																						
Administration				2	\$206.00																	
Project Specifications																						
Solicitation of Bids				4	\$412.00																	
Review of Bids				2	\$206.00																	
Meetings as Required				2	\$266.00																	
Construction Management								12	\$1,092.00													
TOTALS			2	266	14	1442		12	1092	40	\$3,040.00						4	463		70	\$6,303	
																		Expenses:				
																		Project Total:				
																		Project Total:				

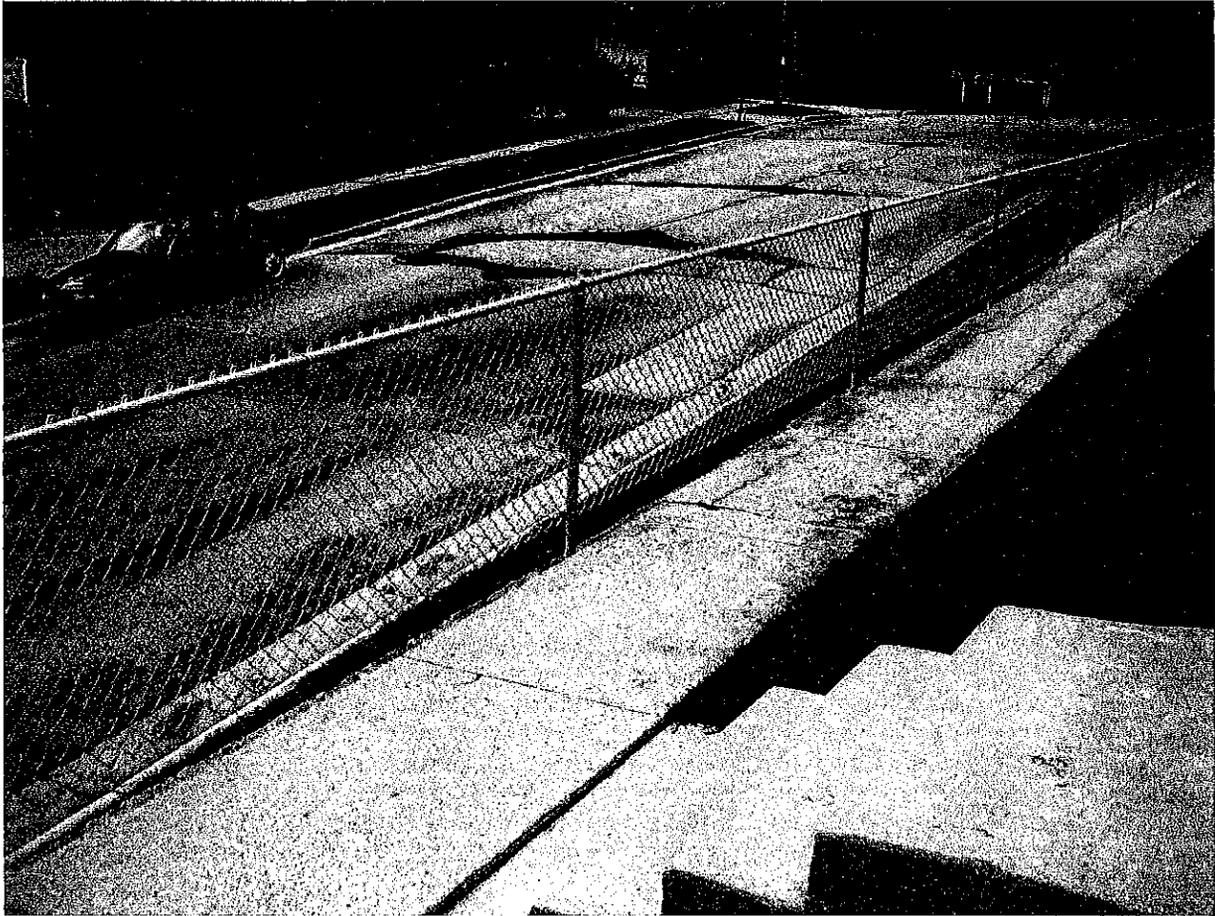
Summary of Expenses	Units	Cost	Total
Estimated Expenses			
Totals			



Fence at top of wall



Only drainage for wall



Sidewalk at top of wall undermined with large void areas, cracking along length of re-bar shown.



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI 53105
(262) 342-1161 – (262) 342-1178 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 5	Date: October 18, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4504(29) to consider issuance and sale of General Obligation Refunding Bonds in the amount of \$9.4 million.

Details:

This item would approve the sale of a General Obligation Refunding Bond in the amount of \$9.4 million. The savings from the refunding would result in savings of approximately \$597,000 to Tax Increment Finance Zone #3 and \$74,000 to the Sewer Fund. The new bonds would refund all the available callable debt currently being paid by the City.

This item was previously approved by the Common Council. This resolution is the approval of the actual sale of the bonds. Ehlers will be bringing the exhibits documenting the actual sale of the bond which will occur Tuesday, October 18, 2011 morning.

Options & Alternatives:

The City could deny the refunding and continue to pay our current debt obligations.

Financial Remarks: The refunding would save the city approximately \$597,000 in TIF #3 and \$74,000 in the Sewer Fund over the next 10 years.

Executive Action:

This item is for discussion at the October 18, 2011 Committee of the Whole meeting and is scheduled for the Common Council meeting the same night for consideration.

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$9,400,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011**

WHEREAS, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") hereby finds and determines that it is necessary, desirable and in the best interest of the City to raise funds for the purpose of refinancing certain outstanding obligations of the City, specifically the 2013-2020 maturities of the General Obligation Refunding Bonds, Series 2001A, dated October 1, 2001 (the "2001 Bonds") and the General Obligation Refunding Bonds, Series 2004, dated April 1, 2004 (the "2004 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, cities are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, the City has directed Ehlers & Associates, Inc., Brookfield, Wisconsin ("Ehlers") to take the steps necessary to sell the Bonds;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on October 18, 2011;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on October 18, 2011;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed, pursuant to Section 67.04, Wisconsin Statutes, through the issuance of the Bonds, the sum of NINE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$9,400,000).

Section 1C. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2011"; shall be issued in the aggregate principal amount of \$9,400,000; shall be dated November 15, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to pay and discharge the debts incurred by the City through the issuance of the Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to be issued to discharge the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2019 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2018 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds

are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2011 through 2019 for the payments due in the years 2012 through 2020 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$9,400,000 General Obligation Refunding Bonds, Series 2011, dated November 15, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City (the "Borrowed Money Fund") and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the refunding of the 2001 Bonds, a portion of the Bond Proceeds shall be transferred to the Escrow Account, as provided in Section 18 hereof. Until needed to accomplish the refunding of the 2004 Bonds, the remaining Bond Proceeds will remain in the Borrowed Money Fund. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate

requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by [_____] which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes] **OR** [the City Clerk or City Treasurer] (the "Fiscal Agent"). [The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.]

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Redemption of the 2004 Bonds. The 2004 Bonds are hereby called for prior payment and redemption on November 22, 2011 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. All actions heretofore taken by the officers and agents of the City to effectuate the redemption of the 2004 Bonds are hereby ratified and approved.

Section 18. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the 2001 Bonds (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit G (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the 2001 Bonds, other than any premium not used for the Refunding and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the 2001 Bonds to the Escrow Account, the taxes heretofore levied to pay debt service on the 2001 Bonds shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the 2001 Bonds, but such abatement shall not affect the City's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the 2001 Bonds. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 19. SLGS Subscriptions. The Escrow Agent and Ehlers are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the Refunding.

Section 20. Redemption of the 2001 Bonds. The 2001 Bonds are hereby called for prior payment and redemption on October 1, 2012 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Escrow Notice"), to be provided at the times, to the parties and in the manner set forth on the Escrow Notice.

Section 21. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 22. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 23. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Introduced: October 18, 2011.

Adopted:

Robert Miller, Mayor

ATTEST:

Cathy Windle, Deputy City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

ND

For the Term Bonds _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

EXHIBIT E
(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
RACINE AND WALWORTH COUNTIES
NO. R-____ CITY OF BURLINGTON \$_____
GENERAL OBLIGATION REFUNDING BOND, SERIES 2011

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ November 15, 2010 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2012 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by [_____] OR [the City Clerk or City Treasurer] (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and satisfactory proof at the office of the Fiscal Agent.

For the prompt payment of this Bond to the registered owner as aforesaid and for the levy of taxes sufficient for that purpose, the City and its officers and members of the City are hereby irrevocably pledged.

ND

This Bond is one of an issue of Br _____ amount of \$9,400,000, all of which are of like tenor, except as to denomination, maturity date and redemption provision, issued by the City pursuant to _____ section 67.04, Wisconsin Statutes, for the purpose of paying the cost of refunding _____ refunding obligations of the City, all as authorized by resolutions of the Common Council _____ adopted by said governing body at meetings held on September 20, 2011 and October 18, 2011. Said resolutions are recorded in the official minutes of the Common Council for said dates.

The Bonds maturing on April 1, 2019 and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 2018 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the

principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Burlington, Racine and Walworth Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF BURLINGTON,
RACINE AND WALWORTH COUNTIES,
WISCONSIN

By: _____
Robert Miller
Mayor

(SEAL)

By: _____
Beverly R. Gill
City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

nd

EXHIBIT F

NOTICE OF FULL CALL*

Regarding

CITY OF BURLINGTON
RACINE AND WALWORTH COUNTIES, WISCONSIN
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004
DATED APRIL 1, 2004

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called by the City for prior payment on November 22, 2011 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
11/01/12	\$570,000	3.15%	122133GQ8
11/01/13	580,000	3.30	122133GR6
11/01/14	620,000	3.50	122133GS4

The City shall deposit federal or other immediately available funds sufficient for such redemption at the office of The Depository Trust Company on or before November 22, 2011.

Said Bonds will cease to bear interest on November 22, 2011.

By Order of the
Common Council
City of Burlington
City Clerk

Dated _____

* To be provided by facsimile transmission, registered or certified mail, or overnight express delivery to The Depository Trust Company, Attn: Supervisor, Global Notification Department, 55 Water Street, 50th Floor, New York, NY 10041-0099, not less than (30) days prior to November 22, 2011 and to the MSRB.

** If the Refunded Obligation.
Rule 15c2-12 effective July 3, 1995, via
the Electronic Municipal Market Access

ND

disclosure requirements of SEC
electronically with the MSRB through
www.emma.msrb.org.



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI 53105
(262) 342-1161 – (262) 342-1178 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 6	Date: October 18, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4505(30) to consider the sale and issuance of Waterworks System Revenue Refunding Bonds in the amount of \$2,090,000.

Details:

This item pertains to refunding \$2,090,000 in Water debt that would result in a savings of approximately \$86,000 to the Water Fund.

This item was previously approved by the Common Council. This resolution is the approval of the actual sale of the bonds. Ehlers will be bringing the exhibits documenting the actual sale of the bond which will occur Tuesday, October 18, 2011 morning.

Options & Alternatives: The Common Council could deny this request, and continue to pay the regularly scheduled payments on the existing city debt.

Financial Remarks:

The estimated savings over 10 years for this item is \$86,000. This refunding will refund the callable debt attributed to the Water Department. The new debt will have a substantially lower interest rate than the current debt issue.

Executive Action:

This item is for discussion at the October 18, 2011 Committee of the Whole meeting and is scheduled for the Common Council meeting the same night for consideration.

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$2,080,000 WATERWORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2011A
OF THE CITY OF BURLINGTON, RACINE AND WALWORTH COUNTIES, WISCONSIN, AND
PROVIDING FOR THE PAYMENT OF THE BONDS AND
OTHER DETAILS WITH RESPECT TO THE BONDS**

WHEREAS, the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") owns and operates its Waterworks System (the "System") which is operated for a public purpose as a public utility; and

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes, any municipality in the State of Wisconsin may, by action of its governing body, provide funds for extending, adding to and improving a public utility or refunding obligations issued to finance such extensions, additions and improvements from the proceeds of bonds, which bonds are payable only from the income and revenues derived from any source by such utility and are secured by a pledge of the revenues of the utility; and

WHEREAS, pursuant to a resolution adopted on February 19, 2002 (the "2002 Resolution"), the City has heretofore issued its Waterworks System Revenue Bonds, Series 2002, dated March 1, 2002 (the "Refunded Obligations"), which bonds are payable from the income and revenues of the System; and

WHEREAS, the City has determined that it is necessary and desirable to refund the Refunded Obligations for the purpose of achieving debt service cost savings; and

WHEREAS, it is necessary, desirable and in the best interests of the City to authorize and sell revenue bonds for such purpose payable solely from the revenues to be derived from the operation of the System, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes; and

WHEREAS, other than the Refunded Obligations, the City has no bonds or obligations outstanding which are payable from the income and revenues of the System; and

WHEREAS, the City has directed Ehlers & Associates, Inc., Brookfield, Wisconsin ("Ehlers") to take the steps necessary to sell such revenue bonds; and

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the bonds and indicating that the bonds would be offered for public sale on October 18, 2011; and

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the bonds for public sale on October 18, 2011; and

WHEREAS, the City has duly received bids for the bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin, do resolve that:

Section 1A. Ratification of the Notice of Sale and Offering Materials. The Common Council of the City hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Authorization of Bonds. For the purpose of paying the cost of refunding the Refunded Obligations, the City shall borrow on the credit of the income and revenue of the System the sum of \$2,080,000. Negotiable, fully-registered bonds of the City, in the denomination of \$5,000, or any whole multiple thereof, shall be issued in evidence thereof. The Bonds shall be designated "Waterworks System Revenue Refunding Bonds, Series 2011A", shall be numbered from R-1 upward and shall be dated November 15, 2011. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on May 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference.

Interest on the Bonds shall be payable on May 1 and November 1 of each year, commencing May 1, 2012. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit C-1 and incorporated herein by this reference (the "Schedule").

The Bonds maturing on May 1, 2020 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on May 1, 2019 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

The schedule of maturities is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

The Common Council hereby determines that the refunding of the Refunded Obligations is advantageous and necessary to the City.

The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund hereinafter provided, and shall be a valid claim of the owner thereof only against the Special Redemption Fund and the revenues pledged to such Fund, and sufficient revenues are pledged to the Special Redemption Fund, and shall be used for no other purpose than to pay the principal of and interest on the Bonds and Parity Bonds as the same fall due.

Section 2. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 3. Definitions. In addition to the words defined elsewhere in this Resolution, the following words shall have the following meanings unless the context or use indicates another or different meaning or intent:

"Annual Debt Service Requirement" means the total amount of principal and interest due in any Fiscal Year on the Bonds and Parity Bonds.

"Bond Year" means the one-year period ending on a principal payment date or mandatory redemption date for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

"DTC" means The Depository Trust Company, New York, New York, or any successor securities depository for the City with respect to the Bonds.

"Fiscal Year" means the fiscal year adopted by the City for the System, which is currently the calendar year.

"Net Revenues" means the Revenues minus all Operation and Maintenance Expenses of the System.

"Operation and Maintenance Expenses" means the reasonable and necessary costs of operating, maintaining, administering and repairing the System, including salaries, wages, costs of materials and supplies, insurance and audits, but excluding depreciation, debt service, tax equivalents and capital expenditures.

"Parity Bonds" means additional bonds or obligations issued on a parity as to pledge and lien with the Bonds in accordance with the provisions of Section 7 of this Resolution.

"Reserve Requirement" means an amount, determined as of the date of issuance of the Bonds, equal to the least of (a) 10% of the proceeds of the Bonds; (b) the maximum annual debt service on the Bonds; and (c) 125% of average annual debt service on the Bonds. If Parity Bonds which are to be secured by the Reserve Account are issued, the Reserve Requirement shall mean an amount, determined as of the date of issuance of the Parity Bonds, equal to the least of (a) the amount required to be on deposit in the Reserve Account prior to the issuance of such Parity Bonds, plus the amount permitted to be deposited therein from proceeds of the Parity Bonds pursuant to Section 148(d)(1) of the Code; (b) the maximum annual debt service on outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued;

and (c) 125% of average annual debt service on the outstanding obligations secured by the Reserve Account and the Parity Bonds to be issued.

"Revenues" means all income and revenue derived from operation of the System, including the revenues received from the City for services rendered to it and all moneys received from any other source, including income derived from investments.

"System" means the entire Waterworks System of the City including all property of every nature now or hereafter owned by the City for the extraction, collection, storage, treatment, transmission, distribution, metering and discharge of industrial and potable public water, including all improvements and extensions thereto made by the City while any of the Bonds and Parity Bonds remain outstanding, including all real and personal property of every nature comprising part of or used or useful in connection with such Waterworks System and including all appurtenances, contracts, leases, franchises and other intangibles.

Section 4. Income and Revenue Funds. When the Bonds shall have been delivered in whole or in part, the Revenues shall be set aside into the following separate and special funds, which were created and established by an ordinance adopted on March 17, 1964, continued by the 2002 Resolution and are hereby further continued and shall be used and applied as described below:

- Revenues in amounts sufficient to provide for the reasonable and proper operation and maintenance of the System through the payment of Operation and Maintenance Expenses shall be set aside into the Waterworks System Operation and Maintenance Fund (the "Operation and Maintenance Fund").

- Revenues in amounts sufficient to pay the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement shall be set aside into the Waterworks System Revenue Bond and Interest Special Redemption Fund (the "Special Redemption Fund"), to be applied to the payment of the principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement. The monies standing in the Special Redemption Fund are irrevocably pledged to the payment of principal of and interest on the Bonds and Parity Bonds.

- Revenues in amounts sufficient to provide a proper and adequate depreciation account for the System shall be set aside into the Waterworks System Depreciation Fund (the "Depreciation Fund").

The Operation and Maintenance Fund and Depreciation Fund shall be deposited as received in public depositories to be selected by the Common Council in the manner required by Chapter 34, Wisconsin Statutes and may be invested in legal investments subject to the provisions of Section 66.0603(1m), Wisconsin Statutes.

Money in the Operation and Maintenance Fund shall be used to pay Operation and Maintenance Expenses as the same come due; money not immediately required for Operation and Maintenance Expenses shall be used to accumulate a reserve in the Operation and Maintenance Fund equal to estimated Operation and Maintenance Expenses for one month. Any money then available and remaining in the Operation and Maintenance Fund may be transferred to the Surplus Fund, which fund is hereby continued.

Revenues shall be deposited in the Depreciation Fund each month until such amount as the Common Council may from time to time determine to constitute an adequate and

reasonable depreciation account for the System (the "Depreciation Requirement") is accumulated therein. Money in the Depreciation Fund shall be available and shall be used, whenever necessary, to restore any deficiency in the Special Redemption Fund and for the maintenance of the Reserve Account therein. When the Special Redemption Fund is sufficient for its purpose, funds in the Depreciation Fund may be expended for repairs, replacements, new construction, extensions or additions to the System. Any money on deposit in the Depreciation Fund in excess of the Depreciation Requirement which is not required during the current Fiscal Year for the purposes of the Depreciation Fund, may be transferred to the Surplus Fund.

It is the express intent and determination of the Common Council that the amount of Revenues to be set aside and paid into the Special Redemption Fund (including the Reserve Account) shall in any event be sufficient to pay principal of and interest on the Bonds and Parity Bonds and to meet the Reserve Requirement, and the City Treasurer shall each Fiscal Year deposit at least sufficient Revenues in the Special Redemption Fund to pay promptly all principal and interest falling due on the Bonds and Parity Bonds and to meet the Reserve Requirement.

The Revenues so set aside for payment of the principal of and interest on the Bonds and Parity Bonds shall be set apart and shall be paid into the Special Redemption Fund not later than the 10th day of each month. The amount deposited each month shall be not less than one-sixth of the interest next coming due, plus one-twelfth of the principal next maturing.

The minimum amounts to be so deposited for debt service on the Bonds are set forth on the Schedule.

The Special Redemption Fund shall be used for no purpose other than the payment of interest upon and principal of the Bonds and Parity Bonds promptly as the same become due and payable or to pay redemption premiums. All money in the Special Redemption Fund shall be deposited in a special account and invested in legal investments subject to Section 66.0603(1m), Wisconsin Statutes, and the monthly payments required to be made to the Special Redemption Fund shall be made directly to such account.

The Reserve Account established by Section 4 of a resolution adopted on December 6, 1995 shall be continued to additionally secure the payment of principal of and interest on the Bonds. The City covenants and agrees that upon the issuance of the Bonds an amount sufficient to make the amount on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited into the Reserve Account and shall be maintained therein.

The City covenants and agrees that at any time that the Reserve Account is drawn on and the amount in the Reserve Account shall be less than the Reserve Requirement, an amount equal to one-twelfth of the Reserve Requirement will be paid monthly into the Reserve Account from those funds in the Special Redemption Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Surplus Fund which are in excess of the minimum amounts required by the preceding paragraphs to be paid therein until the Reserve Requirement will again have accumulated in the Reserve Account. No such payments need be made into the Reserve Account at such times as the monies in the Reserve Account are equal to the highest remaining annual debt service requirement on the Bonds and Parity Bonds secured by the Reserve Account in any Bond Year. If at any time the amount on deposit in the Reserve Account exceeds the Reserve Requirement, the excess shall be transferred to the Special Redemption Fund and used to pay principal and interest on the Bonds. If for any reason there shall be insufficient funds on hand in the Special Redemption Fund to meet principal or interest becoming due on the Bonds or Parity Bonds secured by the Reserve Account, then all sums

then held in the Reserve Account shall be used to pay the portion of interest or principal on such Bonds or Parity Bonds becoming due as to which there would otherwise be default, and thereupon the payments required by this paragraph shall again be made into the Reserve Account until an amount equal to the Reserve Requirement is on deposit in the Reserve Account.

Funds in the Special Redemption Fund in excess of the minimum amounts required to be paid therein plus reserve requirements may be transferred to the Surplus Fund.

Money in the Surplus Fund shall first be used when necessary to meet requirements of the Operation and Maintenance Fund including the one month reserve, the Special Redemption Fund including the Reserve Account, and the Depreciation Fund. Any money then remaining in the Surplus Fund at the end of any Fiscal Year may be used only as permitted and in the order specified in Section 66.0811(2), Wisconsin Statutes. Money thereafter remaining in the Surplus Fund may be transferred to any of the funds or accounts created by this section.

Section 5. Service to the City. The reasonable cost and value of any service rendered to the City by the System by furnishing Waterworks services for public purposes, including reasonable health protection charges, shall be charged against the City and shall be paid by it in monthly installments as the service accrues, out of the current revenues of the City collected or in the process of collection, exclusive of the Revenues, and out of the tax levy of the City made by it to raise money to meet its necessary current expenses. It is hereby found and determined that the reasonable cost and value of such service to the City in each year shall be in an amount which, together with Revenues of the System, will produce Net Revenues equivalent to not less than 1.25 times the Annual Debt Service Requirement. Such compensation for such service rendered to the City shall, in the manner provided hereinabove, be paid into the separate and special funds described in Section 4 of this Resolution. However, such payment is subject to (a) annual appropriations by the Common Council therefor, (b) approval of the Wisconsin Public Service Commission, or successors to its function, if necessary, and (c) applicable levy limits, if any; and neither this Resolution nor such payment shall be construed as constituting an obligation of the City to make any such appropriation over and above the reasonable cost and value of services rendered to the City and its inhabitants or to make any subsequent payment over and above such reasonable cost and value.

Section 6. Operation of System; City Covenants. It is covenanted and agreed by the City with the owner or owners of the Bonds, and each of them, that:

(a) The City will faithfully and punctually perform all duties with reference to the System required by the Constitution and Statutes of the State of Wisconsin, including the making and collecting of reasonable and sufficient rates lawfully established for services rendered by the System, and will collect and segregate the Revenues of the System and apply them to the respective funds and accounts described hereinabove;

(b) The City will not sell, lease, or in any manner dispose of the System, including any part thereof or any additions, extensions, or improvements that may be made part thereto, except that the City shall have the right to sell, lease or otherwise dispose of any property of the System found by the Common Council to be neither necessary nor useful in the operation of the System, provided the proceeds received from such sale, lease or disposal shall be paid into the Special Redemption Fund or applied to the acquisition or construction of capital facilities for use in the normal operation of the System, and such payment shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund;

(c) The City will pay or cause to be paid all lawful taxes, assessments, governmental charges, and claims for labor, materials or supplies which if unpaid could become a lien upon the System or its Revenues or could impair the security of the Bonds;

(d) The City will maintain in reasonably good condition and operate the System, and will establish, charge and collect such lawfully established rates and charges for the service rendered by the System, so that in each Fiscal Year Net Revenues shall not be less than 125% of the Annual Debt Service Requirement, and so that the Revenues of the System herein agreed to be set aside to provide for the payment of the Bonds and Parity Bonds and the interest thereon as the same becomes due and payable, and to meet the Reserve Requirement, will be sufficient for those purposes;

(e) The City will prepare a budget not less than sixty days prior to the end of each Fiscal Year and, in the event such budget indicates that the Net Revenues for each Fiscal Year will not exceed the Annual Debt Service Requirement for each corresponding Fiscal Year by the proportion stated hereunder, will take any and all steps permitted by law to increase rates so that the aforementioned proportion of Net Revenues to the Annual Debt Service Requirement shall be accomplished as promptly as possible;

(f) The City will keep proper books and accounts relative to the System separate from all other records of the City and will cause such books and accounts to be audited annually by a recognized independent firm of certified public accountants including a balance sheet and a profit and loss statement of the System as certified by such accountants. Each such audit, in addition to whatever matters may be thought proper by the accountants to be included therein shall include the following: (1) a statement in detail of the income and expenditures of the System for the Fiscal Year; (2) a statement of the Net Revenues of the System for such Fiscal Year; (3) a balance sheet as of the end of such Fiscal Year; (4) the accountants' comment regarding the manner in which the City has carried out the requirements of this Resolution and the accountants' recommendations for any changes or improvements in the operation of the System; (5) the number of connections to the System at the end of the Fiscal Year, for each user classification (i.e., residential, commercial, public and industrial); (6) a list of the insurance policies in force at the end of the Fiscal Year setting out as to each policy the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy; and (7) the volume of water used as the basis for computing the service charge. The owners of any of the Bonds shall have at all reasonable times the right to inspect the System and the records, accounts and data of the City relating thereto; and

(g) So long as any of the Bonds are outstanding the City will carry for the benefit of the owners of the Bonds insurance of the kinds and in the amounts normally carried by private companies or other public bodies engaged in the operation of similar systems. All money received for loss of use and occupancy shall be considered Revenue of the System payable into the separate funds and accounts named in Section 4 of this Resolution. All money received for losses under any casualty policies shall be used in repairing the damage or in replacing the property destroyed provided that if the Common Council shall find it is inadvisable to repair such damage or replace such property and that the operation of the System has not been impaired thereby, such money shall be deposited in the Special Redemption Fund, but in that event such payments shall not reduce the amounts otherwise required to be paid into the Special Redemption Fund.

Section 7. Additional Bonds. No bonds or obligations payable out of the Revenues of the System may be issued in such manner as to enjoy priority over the Bonds. Additional obligations may be issued if their lien and pledge is junior and subordinate to that of the Bonds.

Additional obligations may be issued on a parity with the Bonds as to the pledge of Revenues of the System ("Parity Bonds") only if all of the following conditions are met:

(i) (a) The Net Revenues for the last completed Fiscal Year preceding the issuance of such additional obligations must have been at least equal to one and one-quarter (1.25) times the average combined annual interest and principal requirements on all Bonds and any Parity Bonds then outstanding payable from the revenues of the System (other than Bonds and any Parity Bonds being refunded), and the obligations so proposed to be issued, for any succeeding Fiscal Year in which there shall be a principal maturity on such outstanding bonds; provided, however, that if prior to the authorization of such additional obligations the City shall have adopted and put into effect a revised schedule of rates, then the Net Revenues of the System for the last completed Fiscal Year which would, in the written opinion of an independent consulting engineer or independent certified public accountant employed for that purpose, have resulted from such rates had they been in effect for such period may be used in lieu of the actual Net Revenues for the last completed Fiscal Year; or

(b) An independent certified public accountant or consulting professional engineer provides a certificate setting forth for each of the three Fiscal Years commencing with the Fiscal Year following that in which the projects financed by such additional obligations are to be completed, the projected Net Revenues and the maximum annual interest and principal requirements on all bonds outstanding payable from the Gross Revenues of the System and on the obligations then to be issued (the "Maximum Annual Debt Service Requirement"); and demonstrating that for each such Fiscal Year the projected Net Revenues will be in an amount not less than 125% of such Maximum Annual Debt Service Requirement;

(ii) The payments required to be made into the funds and accounts enumerated in Section 4 of this Resolution (including the Reserve Account, but not the Surplus Fund) must have been made in full.

(iii) The additional obligations must have principal maturing on May 1 of each year in which principal falls due and interest falling due on May 1 and November 1 of each year.

(iv) If the additional obligations are to be secured by the Reserve Account, the amount on deposit in the Reserve Account must be equal to the Reserve Requirement applicable upon the issuance of Parity Bonds as defined in Section 3 of this Resolution.

(v) The proceeds of the additional obligations must be used only for the purpose of providing additions, extensions or improvements to the System, or to refund obligations issued for such purpose.

Section 8. Sale of Bonds. The bid of the Purchaser for the purchase price set forth in the Proposal be and it hereby is accepted and the Mayor and City Clerk are authorized and directed to execute an acceptance of the offer of said successful bidder on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The officers of the City are authorized and directed to do any and all acts necessary to conclude delivery of the Bonds to the Purchaser, upon receipt of the purchase price, as soon after adoption of this Resolution as is convenient.

Section 9. Application of Bond Proceeds. All accrued interest received from the sale of the Bonds shall be deposited into the Special Redemption Fund. An amount of proceeds of the Bonds, if any, sufficient to make the amount currently on deposit in the Reserve Account equal to the Reserve Requirement shall be deposited in the Reserve Account. An amount of proceeds of the Bonds sufficient to provide for the payment of the Refunded Obligations shall be deposited in the refunding escrow account established by the Escrow Agreement (defined below). The balance of the proceeds, less the expenses incurred in authorizing, issuing and delivering the Bonds, shall be transferred to the Special Redemption Fund for use in payment of principal of and interest on the Bonds.

Section 10. Amendment to Resolution. After the issuance of any of the Bonds, no change or alteration of any kind in the provisions of this Resolution may be made until all of the Bonds have been paid in full as to both principal and interest, or discharged as herein provided, except:

a. The City may, from time to time, amend this Resolution without the consent of any of the owners of the Bonds, but only to cure any ambiguity, administrative conflict, formal defect, or omission or procedural inconsistency of this Resolution; and

b. This Resolution may be amended, in any respect, with the written consent of the owners of not less than two-thirds of the principal amount of the Bonds then outstanding, exclusive of Bonds held by the City; provided, however, that no amendment shall permit any change in the pledge of Revenues derived from the System, or in the maturity of any Bond issued hereunder, or a reduction in the rate of interest on any Bond, or in the amount of the principal obligation thereof, or in the amount of the redemption premium payable in the case of redemption thereof, or change the terms upon which the Bonds may be redeemed or make any other modification in the terms of the payment of such principal or interest without the written consent of the owner of each such Bond to which the change is applicable.

Section 11. Defeasance. When all Bonds have been discharged, all pledges, liens, covenants and other rights granted to the owners thereof by this Resolution shall cease. The City may discharge all Bonds due on any date by depositing into a special account on or before that date a sum sufficient to pay the same in full; or if any Bonds should not be paid when due, it may nevertheless be discharged by depositing into a special account a sum sufficient to pay it in full with interest accrued from the due date to the date of such deposit. The City, at its option, may also discharge all Bonds called for redemption on any date when they are prepayable according to their terms, by depositing into a special account on or before that date a sum sufficient to pay them in full, with the required redemption premium, if any, provided that notice of redemption has been duly given as required by this Resolution. The City, at its option, may also discharge all Bonds of said issue at any time by irrevocably depositing in escrow with a suitable bank or trust company a sum of cash and/or bonds or securities issued or guaranteed as to principal and interest of the U.S. Government, or of a commission, board or other instrumentality of the U.S. Government, maturing on the dates and bearing interest at the rates required to provide funds sufficient to pay when due the interest to accrue on each of said Bonds to its maturity or, at the City's option, if said Bond is prepayable to any prior date upon which it may be called for redemption, and to pay and redeem the principal amount of each such Bond at maturity, or at the City's option, if said Bond is prepayable, at its earliest redemption date, with the premium required for such redemption, if any, provided that notice of the redemption of all prepayable Bonds on such date has been duly given or provided for. Upon such payment or deposit, in the amount and manner provided by this Section, all liability of the City with respect to the Bonds shall cease, terminate and be completely discharged, and the owners thereof shall be entitled only to payment out of the money so deposited.

Section 12. Investments and Arbitrage. Monies accumulated in any of the funds and accounts referred to in Sections 4 and 9 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wisconsin Statutes, until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the City and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments. No such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations").

An officer of the City, charged with the responsibility for issuing the Bonds, shall, on the basis of the facts, estimates and circumstances in existence on the date of closing, make such certifications as are necessary to permit the conclusion that the Bonds are not "arbitrage bonds" under Section 148 of the Code or the Regulations.

Section 13. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the City and the owner or owners of the Bonds, and after issuance of any of the Bonds no change or alteration of any kind in the provisions of this Resolution may be made, except as provided in Section 10, until all of the Bonds have been paid in full as to both principal and interest. The owner or owners of any of the Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce such owner's or owners' rights against the City, the governing body thereof, and any and all officers and agents thereof including, but without limitation, the right to require the City, its governing body and any other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 15. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by [_____] which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes] **OR** [the City Clerk or City Treasurer] (the "Fiscal Agent"). [The Fiscal Agency Agreement between the City and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit F and incorporated herein by this reference.]

Section 16. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 17. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 18. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

The foregoing covenants shall remain in full force and effect, notwithstanding the defeasance of the Bonds, until the date on which all of the Bonds have been paid in full.

Section 19. Redemption of Refunded Obligations. The Refunded Obligations maturing in the years 2013 and thereafter are hereby called for prior payment and redemption on October 1, 2012 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the Escrow Agent appointed below to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 20. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the City, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit F (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Common Council of any such modifications), with the Escrow Agent, for the purpose of effecting the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded Obligations shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Section 21. SLGS Subscriptions. The Escrow Agent and Ehlers are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the City in such amount as is necessary in order to carry out the refunding of the Refunded Obligations.

Section 22. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the closing of the Bonds, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 23. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 24. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 25. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 26. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 27. Conflicting Ordinances or Resolutions. All prior ordinances, resolutions, rules, or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage.

Introduced: October 18, 2011
Adopted:

Robert Miller, Mayor

ATTEST:

Cathy Windle, Deputy City Clerk

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT D-2

Debt Service Schedule

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on May 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from special redemption fund deposits which are required to be made in amounts sufficient to redeem on May 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on May 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
RACINE AND WALWORTH COUNTIES
NO. R-____ CITY OF BURLINGTON \$_____
WATERWORKS SYSTEM REVENUE REFUNDING BOND, SERIES 2011A

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
May 1, _____ November 15, 2011 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), solely from the fund hereinafter specified, on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on May 1 and November 1 of each year commencing on May 1, 2012 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by [_____, _____] OR [the City Clerk or City Treasurer] (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

The Bonds maturing on May 1, 2020 and thereafter are subject to redemption prior to maturity, at the option of the City, on May 1, 2019 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the Resolution referenced below at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic

transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

This Bond is one of an issue aggregating \$2,080,000, issued for the purpose of paying the cost of refunding obligations of the City issued to finance additions, improvements and extensions to the City's Waterworks System, pursuant to Article XI, Section 3, of the Wisconsin Constitution, Section 66.0621, Wisconsin Statutes, acts supplementary thereto and a Resolution adopted October 18, 2011, and entitled: "A Resolution Authorizing the Issuance and Sale of \$2,080,000 Waterworks System Revenue Refunding Bonds, Series 2011A of the City of Burlington, Racine and Walworth Counties, and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds" (the "Resolution") and is payable only from the income and revenues derived from the operation of said Waterworks System. Such revenues have been set aside and pledged as a special fund for that purpose and identified as "Special Redemption Fund", created by an ordinance adopted by the City on March 17, 1964 and continued by the Resolution.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

It is hereby certified, recited and declared that all conditions, things and acts required by law to exist, happen, and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in due time, form and manner as required by law; and that sufficient of the income and revenue to be received by said City from the operation of its Waterworks System has been pledged to and will be set aside into a special fund for the payment of the principal of and interest on this Bond.

IN WITNESS WHEREOF, the City of Burlington, Racine and Walworth Counties, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF BURLINGTON,
RACINE AND WALWORTH COUNTIES,
WISCONSIN

(SEAL)

By: _____
Robert Miller
Mayor

By: _____
Beverly R. Gill
City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)



Police Department

224 E. Jefferson Street, Burlington, WI, 53105

(262) 342-1100 – (262) 763-5158 fax

www.burlington-wi.gov

Common Council Item Number: 14A	Date: October 18, 2011
Submitted By: Peter A. Nimmer, Chief of Police	Subject: Ordinance 1924(11) to repeal and recreate Chapter 308 of the Municipal Code pertaining to "Weapons."

Details:

The State of Wisconsin enacted Wisconsin Act 35 on July 8, 2011 relating to the carrying of concealed weapons by citizens of this state. The new law goes in to effect on November 1, 2011. Act 35 requires the Wisconsin Department of Justice to issue a license to carry a concealed weapon to any individual who applies for a permit and is not disqualified under 175.60(3), Restrictions on issuing a license. A person who has a permit may carry that weapon anywhere in the State of Wisconsin with only a few exceptions. Those exceptions are but not limited to any building that is properly marked prohibiting weapons or after being told they cannot have a weapon in a building, within a 1000ft of a school zone, police station, a courthouse and if an employer prohibits carrying of a firearm during working hours. The new law does allow municipalities to prohibit weapons from government buildings; however the city cannot prohibit carrying of concealed weapons in public parks. In addition the city cannot prohibit licensed citizens from keeping concealed weapons in their vehicles that are parked in any municipal parking lot.

The ordinance that is being presented prohibits any person that is carrying a firearm or dangerous weapon from entering and/or remaining in any part of a building that is owned and/or occupied and/or controlled by the City of Burlington. There are some exceptions to this as outlined in 308-5(C). The city will need to post a 5 inch by 7 inch sign in a prominent place near all of the entrances to the municipal buildings.

As a result of discussions from the October 4th Committee of the Whole meeting, this ordinance was revised to include language as follows:

- No person shall shoot any arrow (with a bow) or any bolt (with a crossbow) on private property within the City of Burlington. This prohibition shall not apply, however, to the use of a toy bow with a toy arrow.
- Except as provided below, no person shall discharge or fire any Firearm or Air Gun within the limits of the City of Burlington. "Air Gun" does not include recreational replica firearms known as "Airsoft Guns" which shoot non-lethal pellets.

Options & Alternatives:

As it relates the proposed prohibition of firearms and dangerous weapons in city buildings section 308-5, the Common Council could choose to allow citizens to carry firearms in all city buildings (except the police department), or could allow firearms in certain city buildings and not in others.

Financial Remarks:

There would be a minor cost in making and posting the signs on all municipal buildings.

Executive Action:

This item was discussed at the October 4, 2011 Committee of the Whole meeting and is placed on the October 18, 2011 Common Council meeting for consideration.

**ORDINANCE TO REPEAL AND RECREATE
CHAPTER 308 PERTAINING TO "WEAPONS"**

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. Chapter 308 of the Code of Ordinances, pertaining to "Weapons" is hereby repealed.

Section 2. A new "Chapter 308" of the City of Burlington Code of Ordinances is hereby created as follows:

Chapter 308

WEAPONS

§ 308-1. Definitions.

- A. "Dangerous Weapon" is defined as any device, object, or instrument which is (i) designed as a weapon and capable of producing death or great bodily harm, and/or (ii) whether or not designed as a weapon, is capable of use in a manner that may produce death or great bodily harm.
- B. "Dangerous Weapon", by definition, specifically includes, but is not limited to, the following items which are to be deemed "Dangerous Weapons" per se:
 - 1. Firearm;
 - 2. Knife having a blade three (3) inches in length or longer;
 - 3. Bow and/or crossbow;
 - 4. Air Gun;
 - 5. Switchblade Knife, or any knife which has a blade (of any length) that may be drawn without the necessity of contact with the blade itself or is automatically opened by pressure on the handle or some other part of the knife.
- C. "Concealed Weapon", as referenced in Section 175.60(1)(j) of the Wisconsin Statutes, shall be the following items that are carried by a person in a concealed manner (as opposed to being carried openly or in public view):
 - 1. Handgun, as defined in Section 175.60(1)(bm) of the Wisconsin Statutes;

2. Electric Weapon, as defined in Section 941.295(1c)(a) of the Wisconsin Statutes;
 3. Knife, other than a switchblade knife prohibited under Section 941.24 of the Wisconsin Statutes;
 4. Billy Club, as referenced in Section 175.60(1)(j) of the Wisconsin Statutes.
- D. "Carry" means to go armed with, as referenced in Section 175.60(1)(ag) of the Wisconsin Statutes.
- E. "Law Enforcement Officer" is defined as specified in Sections 175.49(1)(f) and (g) of the Wisconsin Statutes.
- F. "Licensee" is a person who is allowed to lawfully carry a concealed weapon under the provisions of Section 175.60 of the Wisconsin Statutes.
- G. "Firearm" means a handgun, rifle, shotgun, cannon, or any other device which acts by force of gunpowder or explosive to expel a projectile through a smooth or rifled bore. "Firearm" shall not include air guns, nor any device that was not designed or re-designed to use as a weapon, or any signaling, pyrotechnic, line throwing, safety, or fastening devices.
- H. "Air Gun" does not include recreational replica firearms known as "Airsoft Guns" which shoot non-lethal pellets.

§ 308-2. Concealed Carrying of Dangerous Weapons Prohibited.

- A. Except as otherwise provided for in this Chapter and/or the laws of Wisconsin, it shall be illegal for any person to carry concealed any Dangerous Weapon.
- B. The prohibition described in above subparagraph (A) of this Section shall not apply to the following:
1. Any Law Enforcement Officer;
 2. Any Licensee carrying a Concealed Weapon (as allowed under Section 175.60 of the Wisconsin Statutes);
 3. Pursuant to Section 66.0409(6) of the Wisconsin Statutes, any person loading, carrying, or going armed with a Firearm (whether or not the Firearm is loaded or is concealed or openly carried), unless other facts and circumstances indicate a criminal or malicious intent on the part of the said person;
 4. Any other person allowed to carry concealed a Dangerous

Weapon in question under the laws of the State of Wisconsin and/or the United States of America.

§ 308-3. Discharge of a Firearm or Air Gun.

- A. Except as provided below, no person shall discharge or fire any Firearm or Air Gun within the limits of the City of Burlington.
- B. The prohibition described in above subparagraph (A) of this Section shall not apply to the following:
 - 1. Any person(s) authorized in writing by the Chief of Police to discharge or fire a Firearm or Air Gun for a specified purpose and period of time;
 - 2. Pursuant to the provisions of Section 66.0409(3)(b) of the Wisconsin Statutes, under circumstances where "...the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in s. 939.45 [Wis. Stats.]";
 - 3. Any Law Enforcement Officer and/or any other person duly authorized by an appropriate governmental body to discharge or fire a Firearm or Air Gun in the performance of his/her official duties.
- C. The City of Burlington Airport Committee, with the approval of the Chief of Police, may issue permits for goose hunting to individuals who hold proper Wisconsin licenses for goose hunting, during goose season, for the purpose of controlling the goose population on airport property. Hunting on airport property during goose season shall (i) be allowed by a permit issued by the Airport Committee, and (ii) such hunting shall be done under guidelines established by the Airport Committee.

§ 308-4. Throwing or Shooting of Arrows, Stones, and Other Objects.

- A. No person shall throw or shoot any object, arrow, stone, or other missile or projectile, by hand or by any other means, at any person or on, in, or into any building, street, sidewalk, alley, highway, park, school ground, playground, lake, river, waterway, or any other place of public assembly in the City of Burlington.
- B. The prohibition described in above subparagraph (A) of this Section shall not apply to the following:
 - 1. Archery activities sponsored, supervised, and sanctioned by a school and conducted on property owned by the school;
 - 2. Any person(s) specified in above Section 308-3(B) of this Ordinance.

3. Any person(s) authorized in writing by the Chief of Police to perform the activity(ies) in question.
 4. The use of recreational replica firearms known as "Airsoft Guns" which shoot non-lethal pellets.
- C. No person shall shoot any arrow (with a bow) or any bolt (with a crossbow) on private property within the City of Burlington. This prohibition shall not apply, however, to the use of a toy bow with a toy arrow.

§ 308-5. Firearms and Dangerous Weapons Prohibited in Municipal Buildings.

- A. Pursuant to the provisions of Section 943.13(1m)(c)(4) of the Wisconsin Statutes, no person carrying a Firearm may enter and/or remain in any part of a building that is owned and/or occupied and/or controlled by the City of Burlington. This prohibition against carrying a Firearm in a municipal building applies to both open carry and concealed carry of Firearms.
- B. With respect to Dangerous Weapons (other than the Firearms that are prohibited under above subparagraph (A)), and pursuant to the police powers of the City of Burlington, no person carrying a Dangerous Weapon may enter and/or remain in any part of a building that is owned and/or occupied and/or controlled by the City of Burlington. This prohibition against carrying a Dangerous Weapon in a municipal building applies to both open carry and concealed carry of a Dangerous Weapon.
- C. The prohibitions described in above subparagraphs (A) and (B) of this Section shall not apply to:
1. Law Enforcement Officers;
 2. Any person(s) authorized in writing by the Mayor and/or Common Council to possess and/or carry a Firearm and/or Dangerous Weapon in a municipal building that is subject to this Ordinance;
 3. Tools, equipment, kitchenware, and other instruments, implements, and devices approved by the City Administrator and used by City employees in the normal course of their work for the City.
- D. Pursuant to the provisions of Section 943.13(2) of the Wisconsin Statutes, the City of Burlington shall post a sign that is located in a prominent place near all of the entrances to the municipal buildings subject to this Ordinance, in a manner that any individual entering the municipal building(s) can be reasonably expected to

see the sign. Each such sign shall:

1. Have dimensions of at least five (5) inches by seven (7) inches; and
2. State that "No person may enter or remain in this building while carrying, whether openly or concealed, a firearm or dangerous weapon. Sec. 943.13, Wis. Stats., and Ch. 308, Burlington Code of Ordinances."

§ 308-6. Violations and Penalties.

Any person who shall violate any provision of this Chapter 308 shall be subject to a penalty as provided in Chapter 1, Sections 1-4 of this Municipal Code.

Section 3. This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced: October 4, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk