



AGENDA COMMON COUNCIL

Tuesday, December 20, 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

Student Representatives:

Sarnpal Dhillon, Burlington High School
Dale Morrow, Burlington High School

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 December 6, 2011. (*E. Johnson*)
6. Letters and Communications: None
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-2: (*J. Prailes*)
Report 1 – Plan Commission minutes, November 8, 2011
Report 2 – Committee of the Whole minutes, December 6, 2011
9. Payment of Vouchers. (*P. Hintz*)
10. Licenses and Permits. (*T. Vos*)

11. **APPOINTMENTS AND NOMINATIONS:**

A. 2012-2013 Election Inspectors. (*S. Rauch*)

12. **PUBLIC HEARINGS:** None.

13. **RESOLUTIONS:**

A. Resolution 4510(35) to consider approving a Letter of Agreement between the City and Racine County Economic Development Corporation (RCEDC) for one year. This item was discussed at the December 6, 2011 Committee of the Whole meeting. (*K. Simenson*)

B. Resolution 4511(36) to consider approving Task Order Number Eighty-Four with Kapur & Associates for final design and construction management with the Wastewater Treatment Plant Phase Two Project in the amount of \$828,427. This item was discussed at the December 6, 2011 Committee of the Whole meeting. (*J. Fischer*)

C. Resolution 4513(38) to consider approving a Letter of Engagement with Patrick Romenesko for the 2011 Audit in the amount of \$30,800. This item was discussed at the December 6, 2011 Committee of the Whole meeting. (*R. Prailes*)

D. Resolution 4514(39) to consider approving an amendment to the Fee Schedule to increase Park Reservation Fees. This item was discussed at the December 6, 2011 Committee of the Whole meeting. (*E. Johnson*)

E. Resolution 4515(40) to consider approving Task Order Number Eighty-Five with Kapur & Associates for the 2012 Street and Sidewalk Improvement Program. This item was discussed at tonight's Committee of the Whole meeting. (*J. Prailes*)

14. **ORDINANCES:**

None

15. **MOTIONS:**

None

16. **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.



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 Agenda Item Number: 5	Date: December 20, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from December 6, 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 December 20, 2011 Common Council meeting.



**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 6, 2011**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 7:48 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Peter Hintz, Jim Prailes, Tom Vos, Jeff Fischer, Katie Simenson Excused: Steve Rauch

Student Representatives: Dale Morrow, Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Fire Chief Richard Lodle, Treasurer Steve DeQuaker, Public Works Director Connie Wilson, Supervisor Streets and Parks Dan Jensen, Library Director Gayle Falk, Assistant to the Administrator Megan Johnson, Tom Foht and John Grosskruetz of Kapur Engineering and Stephanie Schulte of RCEDC

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

Mr. Eric Thomsen representing the Chamber of Commerce was present to inform council members of the following upcoming activities:

- Christmas Parade, December 2
- Annual Dinner Auction, Veteran's Terrace, January 19

5. APPROVAL OF COMMON COUNCIL MINUTES FOR NOVEMBER 15, 2011

A motion was made by Fischer with a second by Vos to approve the common council minutes of November 15, 2011. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Bob Prailes with a second by Fischer to accept the letters and communications as presented. Wilson reported the brochure regarding cross-connections will be sent out this week. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Hintz reported that UW-Whitewater was not included in the 2012 Economic Profile.

Vos questioned what the city's plans were for gas cards due to Kruzan Oil no longer being in business. Lahner replied the city will be set up with the National Fleet Car Program that the State of Wisconsin now uses. Lahner reported the cards will be used in most locations and the city will receive a higher level of discount than was previously received. Lahner said it was a web-based system which has a lot of controls.

Wilson reported on a mechanical failure at Well #10 pump which is going to delay the radium removal by two to three weeks. She stated that historically wells are rehabbed on an "as needed" basis and this well has reached that point.

Jensen distributed a draft of a snow shoveling policy and was looking for feedback from council members.

8. REPORTS 1-4

A motion to approve Reports 1-4 was made by Jim Prailes with a second by Hintz. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Hintz with a second by Johnson to approve vouchers, pre-paid and reimbursements in the amount of \$222,216.04. Johnson questioned the bill from Stepp Equipment. Jensen replied it was a partial payment. Jensen stated the leaf pick-up system is working well, but the public needs more education as to what cannot be placed along the curb. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer, Simenson Nay: None Motion carried 7-0

10. LICENSES AND PERMITS

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

11. APPOINTMENTS AND NOMINATIONS

A motion was made by Vos with a second by Simenson to approve the appointments and nominations. With all in favor, the motion carried.

12. PUBLIC HEARINGS

None

13. RESOLUTIONS

RESOLUTION 4512(37) "A RESOLUTION TO APPROVE THE 2012 ANNUAL BUDGET"

A request for a second reading and a motion to approve was made by Fischer with a second by Jim Prailes. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Fischer Nay: Simenson Motion carried 6-1

14. ORDINANCES

None

15. MOTIONS

None

16. ADJOURNMENT

A motion was made by Hintz with a second by Simenson to adjourn the meeting. With all in favor, the meeting adjourned at 8:03 p.m.



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



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Common Council Agenda Item Number: 8	Date: December 20, 2011
Submitted By: City Staff	Subject: Reports 1-2

Details:

Attached please find the following reports:

Report 1 – Plan Commission minutes, November 8, 2011

Report 2 – Committee of the Whole minutes, December 5, 2011

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the December 20, 2011 Common Council meeting.



Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
November 8, 2011, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:35 p.m. Roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Darrel Eisenhardt, Chris Reesman Michael Deans and John Lynch; Town of Burlington Representative Jeff Lang were present. Also present were City Administrator Kevin Lahner, City Planner Patrick Meehan and Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Alderman Prailes moved and Commissioner Lynch seconded to approve the minutes of September 13, 2011. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from James Webster for property at 1448 S. Teut Road to install a drive-thru coffee kiosk in the parking lot.

- Mayor Miller opened the public hearing at 6:36 p.m.
- James Webster, applicant gave a brief overview of the project and stated he would answer any questions.
- There were no comments. Alderman Vos moved and Commissioner Eisenhardt seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

OLD BUSINESS

None

NEW BUSINESS

A. Consideration to approve a Conditional Use Application and Site Plan Application from James Webster for property at 1448 S. Teut Road to install a drive-thru coffee kiosk in the parking lot.

- Mayor Miller opened this item for discussion.
- Alderman Prailes questioned if the Site Plan indicates six parking spaces to be eliminated where the kiosk will be located and four spaces added to the parking lot elsewhere. Patrick Meehan stated this is correct if you count the four spaces to be used for the drive-thru lanes, however, only one space will be used for the kiosk itself. He further stated by adding the four spaces to the parking lot, the mall will have the minimum number of spaces necessary to be compliant.
- Alderman Prailes questioned if the recommended seven queuing spaces was necessary since it is such a tight parking lot. Patrick Meehan stated it is necessary and can be achieved depending on how the lot is striped. Administrator Lahner stated the heaviest traffic for the kiosk would likely be during the hours of 6 and 9 a.m. when the adjacent stores are closed, allowing for less traffic congestion.
- Alderman Prailes questioned what the hours will be. Jim Webster stated it would be open from 6 a.m. to 6 p.m. Mr. Webster further stated they will have access to a private restroom within the stripmall for employees to use and for water needs.
- Patrick Scherrer stated electric will be needed for the kiosk and recommends having it bored or trenched to the site. Mr. Webster stated he has spoken with We Energies who will be boring the electric lines to the site.
- There were no further comments.

Alderman Prailes moved and Alderman Vos seconded to recommend approval of a Conditional Use and Site Plan at 1448 S. Teut Road subject to Kapur & Associates' October 17, 2011 and Patrick Meehan's October 19, 2011 memorandums to the Plan Commission as follows:

- The applicant work with the City Engineer to meet Zoning Ordinance requirements in order to accommodate a minimum number of seven (7) on-site queuing spaces located in the southwestern service lane.
- Trash pick-up at the kiosk shall be on a daily basis.
- Prior to the Building Inspector's issuance of any required permits to the applicant, the applicant shall submit a letter to the City from the business which is going to provide the kiosk the use of its nearby restroom. Said permission letter shall specifically indicate in writing the name of the business, location, duration of the permission (hours and for how long).
- Arrows designating the traffic flow patterns for each of the two proposed drive-through facilities shall be marked / painted upon the parking lot drives.
- The Plan Commission determine the hours of operation of the kiosk in order to assure that a restroom facility will be available to the occupant of the kiosk during the hours of operation of the kiosk.
- A right-of-way permit shall be obtained from the City of Burlington Department of Public Works before any work in the Teut Road right of way begins.

- Saw cut limits and existing asphalt limits at the entrance should be clearly shown on plans and grades, both existing and proposed, should be provided in all areas of new construction. This would include the widening of the entrance to Teut Road and the area of additional parking stalls to the East and a revised plan be submitted to the City.
- The existing stone flume at the south location of the new parking stalls shall be removed and replaced with a new swale engineered so that the new drainage from the stalls will connect to the existing rip-rap swale to the north. The new swale should be stabilized with erosion mat and appropriate seed, and polymer if winter construction.
- Clearly define the limits of the new curb and gutter along with the size (24" low side) to meet the existing curb and gutter on a revised plan that shall be submitted to the City.

All in favor and the motion carried.

B. Revocation Hearing for Conditional Use Permit No. 71261 with Motor Sports Auto Sales for property located at 1157 Milwaukee Avenue.

- Mayor Miller gave a brief overview of this item stating discussions have occurred between staff and Mr. Way's attorney, John Hotvedt, to try to find a solution without having a hearing. An agreement was drawn up on November 7, 2011 between the City and Attorney Hotvedt to bring the property into compliance. He further stated it is at the Plan Commission's discretion to hold the hearing or not.
- Mayor Miller opened this item for discussion.
- Commissioner Lynch discussed other properties Mr. Way owns in the city and problems that occurred in the past with them. He stated that the Conditional Use Permit states vehicle sales, not storage and doesn't feel the recent agreement will bring about the proper use. He further stated although he doesn't like to affect any business, he feels too many letters have been sent to Mr. Way from the city in the last four years to get him to comply with the CUP that didn't do any good.
- Administrator Lahner stated Mr. Way has been cleaning up the property recently after the city had discussions with his attorney. He further stated that a Revocation Hearing will proceed from Plan Commission to the Common Council and then potentially to Circuit Court. He explained that there is significant time and costs if it goes to court which is why staff is trying to get him to comply with specific criteria via the recent agreement instead of a hearing.
- Attorney John Hotvedt, 432 Milwaukee Avenue, on behalf of Mr. Way stated that the goal is for Mr. Way to reapply for a new CUP for the property with a different use, potentially leasing the building out, as recent economy has not been conducive for the current intended use. He further stated Mr. Way wants to comply with the City's requirements and has been correcting the problems as addressed in the November 7th agreement. He requested tabling the hearing.
- Commissioner Deans stated the front of the store has been an eye sore for some time but has seen Mr. Way's recent efforts to clean it up. He further stated the goal for the city is to have

productive businesses and would not want to see the City spend tax dollars to fix this problem. He feels the city should be patient and table this item for now.

- Administrator Lahner informed the commission that Mr. Way needs to comply with all of the items in the November 7th agreement by November 15th or a hearing will take place. He further stated he agrees with Commissioner Deans to be patient and table the item.
- Alderman Vos agreed with Deans and Lahner but wished this item had been brought before the Plan Commission sooner as it had gone on too long.
- Mayor Miller agreed with Vos that non-compliance had gone on too long. He further stated he feels the CUP should be revoked but does not want to see City dollars spent on court costs. He reiterated that the requirements in the agreement need to be accomplished by November 15th or a special meeting will be called to hold a hearing. He further stated that any violation will prompt an immediate hearing.
- Alderman Prailes questioned if the City will be reimbursed for inspection fees for the daily inspections stated in the agreement. Mayor Miller stated no, that any staff member can do the inspection and report back to the city.
- Commissioner Eisenhardt stated the property has looked much better recently and feels the Plan Commission should wait until after November 15th to decide on a hearing.
- There were no further comments.

Alderman Vos moved and Commissioner Deans seconded to table the Revocation Hearing and proceed with the agreement between the City and Mr. Way dated November 7, 2011 as listed below:

- Immediate removal of all vehicles located in the front part of the property, and any vehicle parked along either side of the building. Any remaining vehicles may be located behind the existing fence as long as they are parked in an orderly fashion. A maximum of two vehicles may be parked in front of the building.
- All weeds are to be cut and any debris, including piles of rock, and/or construction debris is to be removed by November 15, 2011 at 5 p.m.
- The sign with the language indicating that cars on the lot are for sale and may be sold by calling a contact number is to be removed from the front of the building by November 15, 2011 at 5 p.m.
- The existing pole for the previous owner's pole sign is to be removed within 120 days from the date of the letter. If Mr. Way proposes to use the existing pole as part of a new Site Plan Application and/or Conditional Use Permit a new sign permit application and application for a variance with the Zoning Board of Appeals must be filed.
- No repair work for any vehicle is to be conducted on the property at any time.
- When all of the above steps are taken, Mr. Way will still be in violation of his existing Site Plan and Conditional Use Permit if his present use of the property continues. Mr. Way shall cease his present use of the property except in a manner in full compliance with his existing Site Plan and Conditional Use Permit unless he takes steps within the

next 120 days from the date of this letter to make an application to the City of Burlington for a new Site Plan and/or a new Conditional Use Permit as may be appropriate under the City's zoning code.

- Failure to meet any of the above requirements, or any other actions taken that will make Mr. Way's property noncompliant with our zoning code or his Conditional Use Permit will result in an immediate hearing before the Plan Commission at the first available date and will result in a recommendation for revocation of Mr. Way's Conditional Use Permit for this property.
- During the next 120 day period, Mr. Way's property will be inspected daily by City Staff. During this time period, Mr. Way is to allow complete access to the property.

Vote: Ayes - Vos, Prailes, Eisenhardt, Reesman, Deans; Nays - Lynch. Motion carried 5 to 1.

C. Consideration to approve a request from Steve Tilistyak to move a house from 924 Terry Lane outside of the city limits to the Town of Burlington.

- Mayor Miller opened this item for discussion.
- Commissioner Reesman recused himself from this item.
- Alderman Vos questioned if the City retained an easement along 924 Terry Lane when the road was vacated previously. Administrator Lahner stated there is an easement that goes up to the property line.
- Alderman Prailes questioned if the movers will go through Stonegate Subdivision with the house. Administrator Lahner stated that staff rejected that route and the movers will need to use Teut Road.
- Commissioner Eisenhardt questioned if the move needs to be completed by December 1st. Mayor Miller stated it is in the Offer to Purchase between the owner of the house and property owner to have it off of the 924 Terry Lane parcel by December 1. Steve Tilistyak, applicant, confirmed this and further stated that the property owner will have the property filled in after the house is moved.
- Commissioner Lynch clarified that this item is only for approval of moving the house and not what will be done to the property once the house is moved. Mayor Miller confirmed that to be correct.
- Town Supervisor Lang stated the Town requests City approval be subject to Town approval at their November 10th meeting. Alderman Vos agreed.
- Mayor Miller questioned Supervisor Lang if the Town anticipates any problems with approval. Lang stated there were a couple of items outstanding the last he checked but they could have been handled by now.
- There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve a house move request for property at 924 Terry Lane conditional on Town of Burlington approval.

All in favor and the motion carried.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Eisenhardt seconded to adjourn the meeting at 7:20 p.m. *All were in favor and the motion carried.*

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator



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Common Council Agenda Item Number: 10	Date: December 20, 2011
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

Operator's Licenses

Blumreiter, Jeffrey M.
Hernandez, Blanca E.
Martinez, Ismael

Combination "Class A"

Name: Jeff's Oil Company, LLC
Agent: Jeffrey Blumreiter
Address: 201 Meadowlark Drive, Burlington
Trade Name: Ryan's Railroad Station
Address: 233 North Pine Street

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business license 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 December 20, 2011 Council meeting.



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Common Council Agenda Item Number: 11	Date: December 20, 2011
Submitted By: Mayor Miller	Subject: Appointment A

Details:
A. Poll worker appointments:
Antreassian, Andre
Antreassian, Jody
Reesman, Mary Lou
Reesman, Russell
Sullivan, Ruth
Supko, Frank
Supko, Judy

Options & Alternatives:
The Council may elect to deny this request and ask the Mayor to seek a different person for this board.

Financial Remarks:
None.

Executive Action:
Staff recommends that the Council accept these appointments at the December 20, 2011 Common Council meeting.



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Common Council Item Number: 13A	Date: December 20, 2011
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4510(35) to consider approving the 2012 contract with RCEDC.

Details:

The Racine County Economic Development Corporation (RCEDC) has been an important entity in the City's economic development. In particular, the RCEDC works closely with us and the entities wishing to locate to and/or expand in Burlington, including financial and other incentives from the state.

As in previous years, the cost of the RCEDC assistance for 2012 is divided into two components. First, for economic and community development assistance, the cost is \$40,000 which is included in the 2012 budget and paid in quarterly payments. This cost has been consistent since 2005. Second, the cost for administration of the City's revolving loan funds to local businesses is \$2,507.95, which is based on ten percent of the incoming loan payments and may change should additional loans be approved throughout the year.

Options & Alternatives:

The Common Council could deny this renewal and conduct all Economic Development activities in-house. Additionally, the Council could seek a different Economic Development partner.

Financial Remarks:

Costs associated with this contract are within the 2012 annual budget and have stayed consistent for the past six years.

Executive Action:

This item was discussed at the December 6, 2011 Committee of the Whole meeting and is scheduled for the December 20, 2011 Common Council meeting for consideration.

Resolution No.
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN
THE CITY OF BURLINGTON AND THE RACINE COUNTY ECONOMIC
DEVELOPMENT CORPORATION (RCEDC) FOR 2012**

WHEREAS, the *Racine County Economic Development Corporation* provides economic development, community development, and related technical assistance to the City of Burlington; and,

WHEREAS, the *Racine County Economic Development Corporation* also coordinates this assistance on a day-to-day basis with the City Administration, as well as coordinating the discussion of policy-related issues with the City Administration, the Mayor and City Council; and,

WHEREAS, the City of Burlington believes that it is in the City's best interest to contract with the *Racine County Economic Development Corporation* for organizational development assistance, business retention assistance, business attraction activities, community development assistance, and business financing assistance; and,

WHEREAS, the *Racine County Economic Development Corporation* has been a qualified provider of such economic development related services for the City of Burlington in the past.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the City of Burlington shall enter into an agreement with the *Racine County Economic Development Corporation* for a period one year, beginning January 1, 2012, as stated in the attached agreement (Exhibit "A"), dated December 6, 2011.

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

Introduced: December 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



December 6, 2011

Robert Miller, Mayor
City of Burlington
300 North Pine St.
Burlington, WI 53105

Dear Mayor Miller:

This letter is intended to serve as a letter agreement between the City of Burlington, hereinafter referred to as "City," and the Racine County Economic Development Corporation (RCEDC). In accordance with this agreement, the RCEDC agrees to continue to provide economic development and related technical assistance to the City. Such assistance will be coordinated on a day-to-day basis with City Administration and, with regard to policy-related issues coordinated with City Administration, the Mayor and City Council.

Starting in 2002 this economic development services contract was combined with a second on-going contract, the administration of the City's Revolving Loan Funds (RLF), therefore, this contract represents those services as well.

AGREEMENT

The RCEDC agrees to provide direct economic development technical assistance to the City in accordance with the objectives promulgated by the Mayor, City Council and City Administrator. The RCEDC will assign an economic development staff person to the City. This person will act as the City's economic development advocate and lead, together with other RCEDC staff members, expend his/her best efforts to promote business recruitment, business retention and expansion, community development and business finance.

The economic development services to be provided by the RCEDC will include the following:

Organizational Development Assistance

1. To provide economic development technical assistance through attendance and/or reports at local development organizational meetings including the Burlington Chamber of Commerce (quarterly), and other organizations identified by the Mayor and City Administrator. The RCEDC staff will, at the City's request, also attend other meetings, including city staff meetings, committee meetings, and City Council meetings where current economic development projects are to be discussed.

2. Identify appropriate strategies to address economic development issues and concerns that are identified throughout the contract period.
3. Coordinate economic development activities in the City with other federal, state and local organizations.
 - Gateway Technical College
 - Real Racine
 - Southeastern Wisconsin Regional Planning Commission
 - Milwaukee 7
 - U.S. Economic Development Administration
 - U.S. Small Business Administration
 - UW-Parkside - Small Business Development Center
 - Wisconsin Department of Commerce
 - WISPARK
4. Provide quarterly and year-end reports to the City Administrator, Mayor and City Council. This activity will include a summary of the economic development activities conducted by the RCEDC staff. Reports will be submitted in written format and RCEDC staff will be available to provide a verbal presentation of the reports to the appropriate Committees/Council.

Growth of Existing Business

5. Conduct an on-going business expansion and retention program that consists of the following:
 - Continue the comprehensive business outreach program with an emphasis on manufacturing firms utilizing the Synchronist Business Retention Software System that will include a comprehensive interview with Racine manufacturers. Results will assist in providing direct assistance to these companies, as well as a guide in developing new, and refining existing, programs for all businesses. A total of another 100 Racine County manufacturing companies will be surveyed during 2012.
 - Continue to identify and work with 2nd stage companies or those companies that include approximately 10-99 employees and between \$1 - \$50 million in sales through the CEO Roundtable forum as well as one-on-one technical assistance. Continue the Racine County CEO Roundtable forum to support the growth needs specific to 2nd Stage businesses. Additionally, continue to develop and vet a list of companies, with specific emphasis on companies west of IH-94 that would be interested in starting a CEO Roundtable.
 - Racine County Business Connect: Implement and market this business-matchmaking software that will enable local businesses to identify both suppliers and customers, as well as market their products throughout the Chicago-Milwaukee Corridor. All Racine County manufacturers will be added to the database and as a result of educating companies on the benefits of the software, continue to recruit Racine County companies to add more detail and actively use the site.
 - A Government Procurement program designed to assist local companies in selling products and services to the local, State and federal government through technical assistance provided by the RCEDC and the Wisconsin Procurement Institute.
 - Next Generation Manufacturing (NGM) workshops and direct assistance through the Wisconsin Manufacturing and Extension Partnership and Gateway Technical College with regard to customer-focused innovation, advanced talent management, systemic continuous improvement, extended

enterprise management, sustainable product and process development and global engagement.

6. Assist existing businesses per direct contact or referral from the Mayor and City Administrator and report findings and resolution to the respective party. When meeting with local companies, the RCEDC staff will provide information on existing State and Federal economic development assistance programs that provide funding that help meet the need of local businesses. These programs include low-interest loans, tax credit programs and workforce development assistance.
7. Upon direct contact or referral from the City Administrator and/or Mayor, meet with local businesses to address development issues and concerns and provide local, state and federal economic development program information.

Business Recruitment Activities

8. Continue to implement a targeted business recruitment program that results in a total of four (4) recruited or new business start-ups in Racine County with emphasis on the following:
 - Identify prospects within or seeking a Chicago/Milwaukee Corridor location, with emphasis on advanced manufacturing, logistics and distribution as well as green industries
 - Foreign direct investment
 - 2nd stage businesses (definition: company with 10-99 employees and revenues between \$1M and \$50M)
 - Regional industry targets (Milwaukee 7), including:
 - Power, Automation & Controls
 - Food & Beverage Manufacturing
 - Information Technology
 - Water Technologies
 - Medical Technologies & Biomedical Research.
9. Provide assistance through the development of customized letter proposals to businesses interested in establishing a location within the City per direct contact or referral from the Mayor and City Administrator, or other reliable sources. This activity includes providing copies of such proposals, when requested, to the City Administrator as well as a status report on such businesses as part of this agreement's semi-annual and annual reports, coordinating regular meetings with the City Administrator, and maintaining a periodic business follow-up procedure.
10. Provide industrial park marketing assistance for the City's Manufacturing and Office Park, including the preparation of offers to purchase land in the park.
11. The RCEDC will maintain demographic, socio-economic and economic development program information for the purpose of providing such information to expanding and new businesses in the City of Burlington.
12. RCEDC will maintain an inventory of significant, marketable industrial and commercial buildings and land sites in the City and a system for providing this information to interested parties. In 2010, the RCEDC purchased a new software system, Xceligent that provides a more comprehensive listing of land and buildings available for purchase and lease.

Marketing Activities

13. Continue to implement the county-wide Jobs for Racine County (JRC) initiative. This program includes: Recruiting New Business Investment to Racine County and Business Retention and Expansion (BRE) efforts. Specific implementation activities are identified in the recruitment and business retention and expansion sections of this contract.
14. Community Engagement – Work with the following partners to provide an infrastructure for economic development in the City:
 - Entrepreneurship: UW-Parkside SBDC, Wisconsin Women's Business Initiative Corporation, and Gateway Technical College
 - Green Initiatives/Sustainability: Green community and private business initiatives
 - Workforce Development: Racine County Workforce Development Board's strategic plan
 - Image/Quality of Life: Promoting our quality of life through Real Racine

Community Development Assistance

The RCEDC staff will provide the City of Burlington and the appropriate City Committees with assistance relative to the following projects:

15. Grant Management/New Grant Applications: RCEDC will apply and manage grant applications specific to economic development projects only and as needed for community development initiatives.
16. Common Council and Community Development Authority (CDA): RCEDC will attend CDA and Council meetings when appropriate or directed by City administration. RCEDC will support City Administration in their efforts to consider Industrial Park expansion options.
17. Historic Preservation Commission (HPC): RCEDC will continue to provide staff assistance to the City with regard to the Façade Improvement Grant and Certified Local Government (CLG) programs. RCEDC staff will continue to manage the HPC's façade improvement grant program and expects to work with the HPC Chair and the City Administrator to secure additional funding for this program. In addition, RCEDC staff will continue to market the Historic Preservation Overlay District and façade grant program via community group presentations and articles submitted to news reporting organizations and the City Administrator's office for the City's quarterly newsletter. RCEDC will continue to manage the CLG program and any subgrants received from the WI Historical Society.
18. Strategic Economic Development Planning: The RCEDC will continue to assist the City with implementing the strategies and activities identified in the City of Burlington's Economic Development Plan 2010 which was reviewed by City Council on September 7, 2010. RCEDC will also direct the future evaluation and determination of new objectives, strategies and action items related to the City's economic development plan.

Activities that are currently a part of the City Plan, and would be executed by the RCEDC as the lead agency, include:

- a. Continue to implement a targeted and proactive business recruitment program.
- b. Continue to maintain an active business retention and expansion program that meets the needs of existing employers in the City.

Business Financing

19. The RCEDC has been designated as the Burlington Revolving Loan Fund (RLF) program administrator since August 19, 1992. The services being provided by the RCEDC, in accordance with the administration of the Community Development Block Grant (CDBG)-RLF and Tax Incremental District (TID)-RLF, include the following:

- A. Review and, if necessary, revision of the RLF program on an annual basis.
- B. Preparation of the appropriate marketing plan and marketing materials.
- C. Implementation of the marketing program, therefore re-lending the loan funds.
- D. Meetings with potential clients to inform them of the parameters of the RLF program.
- E. Screening of clients relative to their eligibility for the RLF program.
- F. Working with eligible businesses in the preparation of applications to the RLF program and the review of these application materials for any deficiencies.
- G. Recommendations to the Community Development Authority and Council of the Whole (City Council) relative to loans that qualify for the RLF program.
- H. Coordination of all loan closings.
- I. Collection of monthly payments and monitoring of the projects for compliance with Wisconsin Department of Commerce regulations, and all other aspects of servicing the loans. Minor servicing actions will be considered by the RCEDC staff, together with the City Administrator and Mayor. These actions will include:
 - 1) Actions that do not significantly affect the interest of the City in an adverse manner.
 - 2) Subordination to a new senior lien holder (usually a bank) provided no new money is being lent.
 - 3) Other servicing actions that can be defined as minor.

Major servicing actions will be considered by the RCEDC and City of Burlington staff and a recommendation forwarded to the City Council for formal consideration.

- J. In performing the work for this contract the RCEDC agrees to adhere to the following:

Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall, on the grounds of race, color, national origin, sex, age or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

K. Coordinating the City's RLF program with other State and federal business loan programs in order to ensure the lowest cost business financing for the customer.

L. Continued administration and servicing of loans made under the 2010 Road Construction RLF program.

Insurance

The RCEDC is to carry liability insurance and list the City of Burlington as an additional insured on the policy.

Time Period for this Agreement and Compensation

The cost of this assistance to the City of Burlington is divided into two components. First, for economic and community development assistance, the cost is \$40,000. This cost is based on an estimate of staff time. Second, the cost of administration of the City's RLF's is \$2,507.95 and is based on 10 percent of the loan payments (see Attachment A). This cost may change during the year should additional loans be made. The RCEDC will notify the City if there are any new loans.

The funds will be paid in equal installments on the first week of each calendar quarter, upon the receipt of an invoice from the RCEDC. The cost of developing any additional materials and significant printing and mailing of items necessary to implement these services are outside the scope of the agreement and will only be implemented upon the approval by the City Administrator.

This economic and community assistance portion of this agreement is intended to be in effect from January 1, 2012 through December 31, 2012. The RLF administration portion of the agreement shall be ongoing unless the City decides to terminate the agreement with 30 days notice.

RCEDC shall be an independent contractor of the City of Burlington. Neither RCEDC nor any of its officers, employees, or agents shall be considered to be an employee of the City as a result of the obligations undertaken pursuant to this agreement. RCEDC's officers, employees and agents shall make no commitments or representations to third parties without prior approval of the City. In addition, RCEDC hereby holds harmless the City and its departments, officers, employees and agents from and against all claims, demands and liability for damages to third persons of any type whatever arising solely out of the actions of RCEDC under this agreement.

As previously indicated, this letter is intended as a formal agreement between the City of Burlington and the RCEDC. Should you agree with the economic development program proposed herein, please sign both original copies of this agreement. Please retain one copy for your records and return the other copy to our office.

The RCEDC is pleased to be able to provide these services to the City of Burlington. Should you have any questions, or need any additional information, please contact me at 262-898-7412.

Sincerely,

Gordon Kacala
Executive Director

cc: Kevin Lahner, City Administrator

Robert Miller, Mayor

Gordon Kacala, Executive Director

Date

Date



Department of Public Works
Wastewater & Water Utility
2200 S. Pine Street, Burlington, WI 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13B	Date: December 20, 2011
Submitted By: Connie Wilson, Department of Public Works Director	Subject: Resolution 4511(36) to consider approving Task Order #84 for final design bid and construction management services for the WWTP Phase 2 project with Kapur & Associates in the amount of \$828,427.

Details:

Attached for your review is Task Order #84 to provide design engineering and construction management services for the Wastewater Treatment Facility project “Phase II – WWTF Upgrade and Improvements Project”. The work consists of revising the original design by removing all of the plant expansion items and reducing the project cost by 50%. Bidding the updated plans and construction management as detailed in the “Civil Engineering Services – Project Description” attachment. This project will take approximately 3 months to complete the design and bid and approximately 18 months to complete construction.

This item was discussed at the September and October Council Workshops regarding Phase 2 and 3 Wastewater Treatment Plant modifications and upgrades.

City staff has reviewed and recommended approval of Task Order 84 in the amount of \$828,427.

Options & Alternatives:

This project is required because of 20 year old equipment that requires expensive O&M cost. The longer this work is delayed more money is spent on repairs, increasing the potential for rate increases and the opportunity for principal forgiveness could be eliminated from the clean water fund.

Financial Remarks: Design bid and construction management services are approximately 12% of the construction cost. This work effort was anticipated and an application was submitted and approved to the Clean Water Loan Program in September 2011. This project also qualified for 10% Principal Forgiveness (\$369,932) for the project cost including engineering and contingences.

Executive Action:

This item was discussed at the December 6, 2011 Committee of the Whole meeting and is scheduled for the December 20, 2011 Common Council meeting for consideration.

Resolution Number:
Introduced by: Committee of the Whole

A RESOLUTION APPROVING TASK ORDER NUMBER EIGHTY-FOUR, A DESIGN ENGINEERING AGREEMENT WITH KAPUR & ASSOCIATES, INCORPORATED TO PROVIDE CIVIL ENGINEERING SERVICES FOR THE COMPLETE REDESIGN, SPECIFICATION, BID SOLICITATION AND CONSTRUCTION MANAGEMENT FOR THE PHASE 11 WASTEWATER TREATMENT FACILITY PROJECT FOR THE NOT TO EXCEED AMOUNT OF \$828,427

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, bid solicitation and construction management for the Phase II Wastewater Treatment Facility Project 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 \$828,427 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-Four is hereby approved for the not-to-exceed amount of \$828,427.

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

Introduced: December 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**TASK ORDER NUMBER #84
CIVIL ENGINEERING SERVICES**

This Task Order is made as of December 6, 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:

PROJECT DESCRIPTION:

To provide civil engineering services for the complete redesign and specification preparation bid and construction management for the facilities identified as **Phase II - WWTF Upgrades and Improvements Project** as outlined in the Burlington WWTP Facilities Plan dated October 2005 and amended hereinafter. The base design for this Task Order includes the following unit processes:

- New Supervisory Control and Data Acquisition (SCADA) System
- New High Strength Waste Facility
- Rehabilitate two (2) of the existing Primary Clarifiers
- Rehabilitate the existing Intermediate Clarifiers
- Rehabilitate the existing gravity belt thickener
- Improvements and Modifications to the existing Biofilters
- Improvements and Modifications to the existing Aeration Basins
- Replace existing Primary Sludge Pumps, Biofilter Sludge Pumps, and Medium Strength Waste Pump
- Replace existing Aeration Blowers
- Update existing W3 pump system
- Replace equipment in the two existing Final Clarifiers
- User Charge System Update (Rate Study)
- SIU / Extra-Territorial Contract Negotiations

Section A. – Scope of Services

Engineer shall perform the following Services:

Project Management

1. Develop project goals and objectives by conducting a kick-off meeting with the Owner Staff. The meeting will include such items as: review of the recommendations from previous studies, review scope of services and schedule, review the Owner's objectives for the project, identify key project personnel, discuss project issues, and review previous equipment manufacturer selections.

10. Assist the Owner in processing the Contract Documents with the appropriate regulatory agencies. The Owner shall pay the costs for all permits and inspection fees.
11. Prepare an opinion of probable construction cost at the 90% completion point.
12. Conduct a workshop with the Owner to receive comments on the 90% Design documents.
13. Incorporate the comments received and finalize the documents for bidding.
14. Assist the Owner with advertising for bids and distribution of bidding documents to potential Bidders. Provide notice to bidding to clearinghouses, distribute bidding documents and maintain a bidders listing.
15. Respond to bidder questions concerning content of bidding documents and prepare addenda as appropriate to interpret, clarify or expand the bidding documents
16. Conduct pre-bid conference, attend bid opening and evaluate bids.
17. Assist the Owner in assembling the Contract Documents for execution by the Owner and Contractor, and furnish copies of the executed Contract Documents to the Owner, Engineer, and Contractor. Advise Owner on the acceptability of subcontractors and material suppliers proposed by contractors

Engineering Services During Construction

Upon successful completion of the Bidding Phase, and upon award of construction contract by the Owner, Engineer shall provide the following construction phase services for the Project:

1. Pre-Construction Conference and Progress Meetings. Attend a Pre-Construction Conference prior to commencement of Work at the Project site and prepare and distribute notes. Also attend weekly construction progress meetings as required.
2. General Administration of Construction Contract. Consult with Owner and act as Owner's representative as provided in the General Conditions and Supplementary Conditions of the Contract Documents as included in the Project Manual. The extent and limitations of the duties, responsibilities and authority of Engineer as assigned in said General Conditions and Supplementary Conditions shall not be modified, except as Engineer and Owner may otherwise agree in writing. All of Owner's instructions will be issued through Engineer, who shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and said General Conditions and Supplementary Conditions except as otherwise provided in writing

11. Applications for Payment. Based on Engineers' observations as an experienced and qualified design professional and on review of applications for payment and accompanying supporting documentation from contractors, the Engineer shall:
- a. Determine the amounts that Engineer recommends that each Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to the Owner, based on such observations and review to the best of Engineer's knowledge, information and belief, that a Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendation), and the conditions precedent to a Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe a Contractor's work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's work (subject to any subsequent adjustments allowed by the Contract Documents).
 - b. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of a Contractor's work as it is performed and furnished have been exhaustive, extended to every aspect of a Contractor's work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of a Contractor's work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or a Contractor's compliance with Laws and Regulations applicable to a Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes a Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the work in progress, materials, or equipment has passed to the Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between the Owner and Contractor that might affect the amount that should be paid. Prior to recommending payment requests from a Contractor to the Owner for payment, the Engineer shall require lien waivers from prior payment applications from a Contractor.

complete and the facilities are ready for operation. Submit the Startup Plans to the Owner for review. Present the Startup Plans to the Contractor and the Owner's operating personnel. Respond to and incorporate changes to the Startup Plans as a result of the review. It is assumed that a minimum of ten (10) Startup Plans will be necessary, based upon the expected construction schedule. The plans are expected to address the following:

- 1) High Strength Waste Facilities (mixing and pumping)
- 2) Primary Clarifiers
- 3) Primary Sludge Pumping
- 4) Biofilters
- 5) Intermediate Clarifiers
- 6) Biofilter Sludge Pumping
- 7) Final Clarifiers
- 8) Aeration System (blower and diffusers)
- 9) Medium Strength Waste Pumping
- 10) Non-potable Water (W3) Pumping

- b. Training. The Operations specialist will coordinate the training with the equipment and controls vendors provided by the Contractor per the startup plan. The Operations Specialist will provide training using the equipment sections from the new O & M manual as the basis for the training. It is estimated that five (5) training sessions will be required through the startup phase of the project. Each training session will be one day on-site training with Owner's staff and contractor's trainers. The sessions will be both classroom and hands-on as appropriate.
19. O&M Services. An operations specialist shall provide startup services. The startup services shall be timed to assist the Owner and Contractor with operation of the systems. The operations specialist shall be a certified wastewater treatment plant operator. Start-up services include:
- a. Manufacturer's O&M Literatures. Review manufacturer's O&M literature for conformance to the Contract Documents. Deliver approved manufacturer's O&M literature to the Owner.
 - b. O&M Manual. Update the City of Burlington's wastewater treatment plant existing O&M manual. Prepare the O&M manual using Microsoft Word 2007 or greater. New drawings will be in AutoCAD 2010 or greater. Furnish 5 copies of the Draft Project specific O&M manual before startup of the facilities for Owner review, and use during training and startup. After startup, furnish 4 copies of the revised O & M manual to reflect actual changes and edits from the operation of facilities. Furnish electronic files of the O & M manual on CD.

3. Assist the Owner in preparing a “Comfort Resolution” and an “Authorized Representative Resolution” as required by the Clean Water Fund.
4. Answer questions and assist with the Owner’s Bond Council during the Clean Water Fund application process.

Energy Fund Administration

1. Assist the Owner in completing and assembling the applications and information for the Focus on Energy funding program.
2. Assist the Owner in completing and assembling the applications and information for the WE Energies Renewable Energy grant program.

Workshops/Meetings

Prepare scope, coordinate and manage all Workshops to communicate design options and receive input from plant staff.

Assumptions

The following assumptions were made in preparing the scope of services for this Project:

1. Clean Water Fund financing will be utilized for the projects.
2. Programming of the Phase II – WWTF Upgrades and Improvements Project will be performed by Donohue & Associates, Inc. as a subcontractor to the Contractor.

Section B. – Schedule

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

1. Submit Clean Water Fund Application with Plans, September 30, 2011.
2. Design Work Shop (kick-off meeting) January 3, 2012.
3. Submit 90% plans for review, February 14, 2012.
4. Submit Final Design Plans, February 29, 2012.
5. Advertise for Bids, March 1, 2012.
6. Bid Opening, April 5, 2012.
7. Award Construction Contract, April 17, 2012.
8. Pre-Construction Meeting, May 1, 2012.
9. Construction start-up, May 7, 2012.
10. Substantial completion, September 1, 2013.

CWFP DRAFT SFY 2012 Principal Forgiveness Funding List

Principal Forgiveness Only - Regular Funds are Still Available

Priority Score	Municipality	Project Number	Project Description	Project Costs Requested	Principal Forg. Percent	Estimated Principal Forgiveness Amount	Estimated Green Project Costs*	Median Household Income (MHI)	Population	Project Manager
Applications which met the September 30, 2011 Principal Forgiveness Application Deadline:										
98.481	Neenah Menasha S.C.	4115-03	Construct biosolids storage building	\$3,644,817	10%	\$384,482	\$17,200	--	64,111	Meja
90.231	Rockland SD #1	2006-05	WWTF Plant Upgrade BOD, TSS & Algae	\$591,320	10%	\$59,132	\$0	\$59,000	204	Maureen
81.416	Burlington, City of	5096-09	Upgrade WWTP Capacity - Phases II & III	\$8,590,034	10%	\$869,932	\$2,362,000	\$54,949	10,510	Dave
60.284	Viola, Village of	5293-02	Upgrade WWTP Aeration and Mixing System for Lagoons	\$601,800	50%	\$300,900	\$0	\$32,500	683	Dave
55.602	Milwaukee MSD	3219-01	Install Flow Monitoring Devices, Phase II K01010	\$8,761,143	10%	\$869,932	\$0	--	1,061,180	Navin
55.288	Combined Locks, Village of	5339-09	Reduce I/I in Elm, Washington, Darboy, Park, Ryan, State St.	\$1,308,219	10%	\$130,822	\$0	\$71,333	3,114	Meja
50.404	Caledonia, Village of	4551-03	Hoods Creek & Caddy Vista L.S. Upgrades	\$8,978,500	10%	\$869,932	\$0	\$70,718	25,200	Meja
50.279	St. Nazianz, Village of	4007-05	Upgrade Sanitary Sewer	\$625,000	30%	\$187,500	\$625,000	\$45,375	751	Dave
50.246	Wrightstown SD #1	5337-02	Replace 4300' of concrete & asbestos sewers with PVC sewers	\$890,900	10%	\$89,090	\$890,900	\$56,875	650	Navin
50.212	Boaz, Village of	4065-03	Replace/Repair Sewer At STH 171 Bridge	\$40,833	10%	\$4,083	\$0	\$52,656	135	Meja
				\$34,032,566		\$2,245,805				
All information on this list is based on original application submittals. These applications have not yet been reviewed for eligibility and completeness.										
All funding allocations are DRAFT at this time and are subject to change.										
Applications In-house from SFY 2011 which were offered Principal Forgiveness Funds:										
68.256	Poplar, Village of	4304-02	Upgrade WWTP for ammonia, new screening, eliminate sewer I/I	\$411,827	30%	\$123,548	\$0	\$47,500	639	Navin
65.306	Albany, Village of	4517-06	Upgrade WWTP to meet new ammonia limits & sewer rehab	\$736,003	30%	\$225,274	\$0	\$46,000	1,146	Candice
60.276	Merrillan, Village of	4087-02	Rehab/replace/reline sewers along USH 12	\$537,674	50%	\$268,837	\$401,000	\$24,438	567	Becky
56.302	Brooklyn, Village of	4662-04	New WWTP - Phase 2	\$2,030,750	10%	\$203,075	\$91,041	\$66,500	1,274	Jeanne
55.390	Rhineland, City of	4132-07	Replace interceptor to Davenport St; Sulfiff & Kemp Lift Station	\$676,896	30%	\$203,069	\$0	\$33,651	8,239	Maureen
55.256	De Soto, Village of	4434-02	Rehab WWTP equipment & lift station; new sludge tank	\$285,300	50%	\$142,650	\$0	\$26,389	446	Maureen
				\$4,678,450		\$1,166,453				
			Total all applications:	\$38,711,016		\$3,412,258				

* The dollars shown in this column are estimated amounts of each project which can be counted towards the requirement that the Department provide at least 20% of its \$39,921,000 federal capitalization grant (\$7,984,200) to finance projects and/or project components that include improved water or energy efficiency, green infrastructure, or are environmentally innovative.



**ATTACHMENT A
LEVEL OF EFFORT
CITY OF BURLINGTON
Phase II - WWTF Upgrade and
Improvements Project**

Donohue and Associates, Inc.

TASK	Prod Mngr Proc Eng Eng V Gary Cressey	Process Engineer Eng III Stacy Cooke	Process Engineer Eng II Wendy Ralsbeck	Prod Mngr Cont Eng Eng V Mike Minkeblige	Control Engineer Eng III Lance Teunissen	HVAC/Plum Engineer Eng IV Jeff Wills	Rate Study Engineer Eng IV Jim Hagley	QC Engineers Eng V Proc, Elect. Struct. Tom Crouse	Start-Up/ O&M Spec. Eng I Tom Crouse	D&A Task Cost
DESIGN / REDESIGN / REPACKAGING										
1 Donohue Production Management		40								\$ 5,200
2 Blowers - Collect/Analyze Data		36						2		\$ 5,030
3 Admin HVAC - Collect/Analyze/Compare						48		4		\$ 8,140
4 W3 Pump Skld - Collect/Analyze Data		8						2		\$ 1,390
5 Prepare Plans and Specifications	8	64	100		32	80		28		\$ 42,180
6 Review Meeting and Construction Issues	4	8								\$ 1,740
7 Prepare Camera Ready Plans		16	16		4	8				\$ 5,600
8 Construction Cost Estimate	2	28	24		4	4		4		\$ 8,470
	14	200	140	0	40	140	0	40	0	\$ 77,750
BIDDING SERVICES	4	40	16	0	32	0	0	0	0	\$ 11,820
ENGINEERING SERVICES DURING CONSTRUCTION (ESDC)										
1 Donohue Project Management		156								\$ 20,280
2 Shop Drawings		120	156		40	16				\$ 40,440
3 RFIs/Allowance Mods/Change Orders		155	44		65	16				\$ 35,920
4 Designer Site Visits (Total 11)		24	24		32	16				\$ 12,400
5 Monthly Progress Meetings (Total 12)		60								\$ 7,800
6 Record Drawings			48							\$ 5,280
7 Oversight for Electrical, Structural, I&C								16		\$ 2,800
8 Start-Up Services									325	\$ 30,875
9 O&M Services (O&M review, update existing manual)									450	\$ 42,750
	0	515	272	0	137	48	0	16	775	\$ 198,545
RATE STUDY										
Prepare Rate Study and User Chrg Cost	0	0	0	0	0	0	165	0	0	\$ 25,575
SIU / EXTRA-TERRITORIAL CONTRACT NEGOTIATIONS										
Assist with Negotiations	0	0	0	0	0	0	0	0	0	\$ -
Total hours by Individual	18	755	428	0	209	188	165	56	775	\$ 313,690
Total hours by firm									2594	
Chargeout Rates	\$ 175	\$ 130	\$ 110	\$ 175	\$ 130	\$ 155	\$ 155	\$ 175	\$ 95	
Project Cost by Individual	\$ 3,150	\$ 98,150	\$ 47,080	\$ -	\$ 27,170	\$ 29,140	\$ 25,575	\$ 9,800	\$ 73,625	
Company Labor Subtotal Amount									\$ 313,690	
Expenses (Printing, Postage, etc)									\$ 4,500	
**Does NOT Include printing bid sets										
Project Total Amount									\$ 318,190	



CITY OF BURLINGTON

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

Common Council Item Number: 13C	Date: December 20, 2011
Submitted By: Steve DeQuaker, City Treasurer	Subject: Resolution 4513(38) to approve an engagement letter with Patrick Romenesko for the 2011 audit for the not-to-exceed amount of \$30,800.

Details:

Attached is a copy of Patrick Romenesko's letter of engagement outlining his services and the purpose of the 2011 Annual audit of the City's financial operations. Mr. Romenesko has provided this service well for many years and has good knowledge of the City's financial operations.

The amount of this engagement is not to exceed \$30,800. This is \$300 more than the 2010 Annual Audit. The 2010 Audit actual expenditure was \$30,500, per the accepted engagement.

I recommend that the Common Council accept the engagement letter from Patrick Romenesko for the not-to-exceed amount of \$30,800 and approve his services for the 2011 Annual audit.

Options & Alternatives:

The Common Council could choose to not accept the engagement letter from Mr. Romenesko and put the service out to bid. This would largely delay the time frame of our audit. We would lose the advantage of working with an auditor who is familiar with the operation and accounts of the City, thus incurring a more significant fee to conduct the audit.

Financial Remarks:

The 2011 Audit is increased by \$300 or 1% over the 2010 Audit.

Executive Action:

This item was discussed at the December 6, 2011 Committee of the Whole meeting and is scheduled for the December 20, 2011 Common Council agenda for consideration.

Resolution No. 4513(38)
Introduced by committee of the whole

**A RESOLUTION APPROVING AN ENGAGEMENT LETTER WITH
PATRICK ROMENESKO, C.P.A. FOR THE 2011 AUDIT FOR THE
NOT-TO-EXCEED AMOUNT OF \$30,800**

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

WHEREAS, Patrick W. Romenesko, CPA, is a licensed and fully qualified Certified Public
Accountant in the State of Wisconsin; and,

WHEREAS, Patrick Romenesko has previously performed these auditing services for the City
of Burlington in a satisfactory and timely manner.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine
County and Walworth County, State of Wisconsin approves acceptance of auditing services from
Patrick W. Romenesko, S.C. for the audit of the City's fiscal year 2011 accounts as outlined in the
attached November 12, 2011 Letter of Engagement.

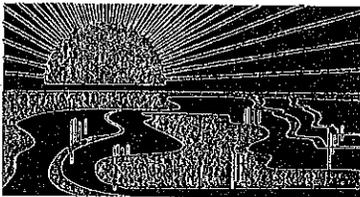
BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to
execute this agreement on behalf of the City.

Introduced: December 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Patrick W. Romenesko, S.C.
CERTIFIED PUBLIC ACCOUNTANT

1001 Host Drive • P.O. Box 508 • Lake Geneva, Wisconsin 53147
Telephone 262/248-0220 • Facsimile 262/248-8429

November 12, 2011

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

Ladies and Gentlemen:

I am pleased to confirm my understanding of the services I am to provide the City of Burlington for the year ended December 31, 2011. I will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City of Burlington as of and for the year ended December 31, 2011. Also, the document I submit to you will include additional supplemental information concerning combining fund statements and detailed budget to actual statements. I will subject this supplementary information to the auditing procedures applied in my audit of the financial statements and certain other procedures including comparing and reconciling such information directly to the underlying accounting and other records used to the prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America will provide an opinion on it in relation to the basic financial statements.

Audit Objective

The objective of my audit is the expression of an opinion as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. My audit will be conducted in accordance with generally accepted auditing standards established by the Auditing Standards Board (United States) and will include tests of the accounting records and other procedures I consider necessary to enable me to express such opinions. If my opinions on the financial statements are other than unqualified, I will fully discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinions, I may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions; for designating an individual with suitable skill, knowledge, or experience to oversee my financial statement preparation services and any other nonattest services I provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

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

Audit Procedures - Internal Control

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

Audit Procedures - Compliance

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

Audit Fees and Other

As part of my engagement, I will also prepare the annual financial reports to the Wisconsin Department of Revenue and the Public Service Commission.

My fees for these services will be based on the actual time spent at my standard hourly rates, plus travel and other out-of-pocket costs such as report reproduction, typing, postage, etc. The hourly rates of personnel assigned to your audit vary according to the degree of responsibility involved and their experience level. Invoices for these fees will be rendered each month as work progresses and are payable on presentation. My fee for the audit is not to exceed \$30,800.00. If the actual time on the engagement should be less than anticipated, you will be billed for that lesser amount.



Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
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Common Council Item Number: 13D	Date: December 20, 2011
Submitted By: Dan Jensen, DPW Supervisor	Subject: Resolution 4514(39) to consider amending the Fee Schedule to increase Park Reservation Fees.

Details:

The City of Burlington Park Board Commissioners have requested increasing Park Reservation Fees beginning January 1, 2012. The fees have not increased since 2000, and the current price of \$35 for city residents and \$75 for non-residents is well below what other communities and Racine County charges.

The proposed increase would be to increase the fees to \$50 for City residents and \$100 for non-residents. The \$100 security deposit will remain the same.

Previously Racine County charged \$80 to reserve Bushnell Park and when the City took over the reservations for the pavilion, the \$80 cost continued. The Park Board would also like to charge the same for Bushnell Park (\$50 residents, \$100 non-residents) so all charges are the same. The total cost of Bushnell Park rentals come out of the \$10,000 maintenance agreement between the City of Burlington and Racine County. By decreasing the cost of reservations for Bushnell, the amount deducted from the \$10,000 received would also decrease.

The Park Board recommended this increase at their November 17, 2011 meeting.

Options & Alternatives:

The Council may choose to not to increase costs and continue charging the current rates.

Financial Remarks:

An increase of \$15 for city residents and \$25 for non-residents would bring costs closer in line with other communities, and help offset the cost of labor for preparation and clean up of reserved activities.

Executive Action:

This item was discussed at the December 6, 2011 Committee of the Whole meeting and is scheduled for the December 20, 2011 Common Council meeting for consideration.

Resolution No. 4514(39)
Introduced by: Committee of the Whole

**A RESOLUTION AMENDING THE FEE SCHEDULE
FOR PARK RESERVATIONS FOR THE CITY OF BURLINGTON**

WHEREAS, the City of Burlington Common Council adopted a Park Reservation Fee Schedule for Park Reservations in 2000; and,

WHEREAS the City defrays its costs of administration, preparing and processing of said services by imposing minimal fees; and,

WHEREAS the amendment to the fee schedule set forth below is directly related to the City's costs of administering the reservation process.

NOW, THEREFORE, BE IT RESOLVED by the City of Burlington Common Council, that, pursuant to all of the above, the City of Burlington Park Reservation Fee is amended to reflect the following fees:

- Rental for City Residents - \$50
- Rental for Non-Residents - \$100
- \$100 Security Deposit required with all reservations

BE IT FURTHER RESOLVED that upon adoption of this resolution, the City Clerk shall revise the City of Burlington Park Reservation Fees accordingly.

Introduced: December 6, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Department of Public Works
Street & Park and Water Departments
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CITY OF BURLINGTON PARK BOARD MINUTES
THURSDAY, NOVEMBER 17, 2011
2200 S. Pine Street, Burlington, WI 53105

Chairman Darrel Eisenhardt, Commissioners Clay Brandt, Tom Follis, Kelly Kamlager, Jon Schultz, Peter Turke, Alderman Bob Prailes, DPW Supervisor Dan Jensen, P.E., Chase Robers, Student Representative

Chairman Darrel Eisenhardt called the meeting to order at 6:30 P.M.

Roll Call: Present: Commissioners Clay Brandt, Tom Follis, Peter Turke, Jon Schultz, Alderman Bob Prailes, DPW Supervisor Dan Jensen and Chairman Darrel Eisenhardt. Excused: Kelly Kamlager and Chase Robers.

Approval of October 20, 2011 Minutes: Chairman Eisenhardt entertained a motion for approval of the October 20, 2011 Minutes. Motion made by Commissioner Follis. Seconded by Alderman Prailes. All voted aye, motion carried.

Citizens Comments: None

Aldermanic Report: Alderman Bob Prailes reported the City Council had approved \$25,000 to be put into the Park Funds for 2012.

DPW Supervisor Report: DPW Supervisor Dan Jensen reported Riverside Park was nearing completion and should be completed yet this fall. He also provided the balance sheet from Steve DeQuaker, Treasurer. The Commissioners felt the information for the Park Development Fund needed additional information provided, especially what funds were deducted for. Alderman Prailes stated he would find out.

New Business: None

Old Business

Discussion of Fee Structures: The Commissioners discussed the cost of fees charged for park reservations in addition to fees charged for baseball and other groups. It was determined since fees for park reservations had not been increased for several years that some increase should be implemented.

The Commissioners also discussed changing the fees at Bushnell to reflect the same rental fee as City Park Pavilions. Commissioner Turke motioned to increase the fees to \$50.00 reservation for City



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Committee of the Whole Item Number: 6	Date: December 20, 2011
Submitted By: Dan Jensen, Department of Public Works Supervisor	Subject: Resolution 4515(40) to consider Task Order Number 85 for the 2012 City Improvements Project with Kapur & Associates, Inc. in the amount of \$17,986.

Details:

Attached for your review and approval is Task Order 85 for the engineering and construction management of the 2012 City Improvements Project. The work in this Task Order will provide the engineering and construction management required to complete the Echo Park Bike Path, Sidewalk Improvements, including handicap ramps at Cooper and Waller Schools, and inlet repair at Chestnut Street/Bieneman Road. intersection.

City staff has reviewed and recommend approval of Task Order #85 in the amount of \$17,986.

Options & Alternatives:

The City could choose to do no repairs at this time, allowing further deterioration of sidewalks and storm inlet.

Financial Remarks:

This work effort was anticipated and was accounted for within the 2012 Streets/Park Budgets.

Executive Action:

This item is for discussion at the December 20, 2011 Committee of the Whole meeting and due to the timeliness of this contract and weather related survey necessities, as per past practice, it is placed on tonight's December 20, 2011 Common Council meeting for consideration.

Resolution No. 4515(40)
Introduced by: Committee of the Whole

**A RESOLUTION APPROVING TASK ORDER NUMBER EIGHT-FIVE
WITH KAPUR AND ASSOCIATES, INC. FOR THE 2012 STREET IMPROVEMENT
PROJECT, FOR THE NOT-TO-EXCEED AMOUNT OF \$17,986.**

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 with the preparation of survey and base mapping, field reviews, plan preparation and review, administrative services, utility coordination, advertisement, manual preparation, bid opening attendance, post-bid opening activities, attendance at meetings as required, and construction management with the 2012 Street Improvement Project, which have resulted 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 \$17,986 and has been recommended for approval by the DPW Street and Parks Supervisor.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the Task Order Number Eighty-Five is hereby approved for the not-to-exceed amount of \$17,986.

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

Introduced: December 20, 2011
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

**TASK ORDER NUMBER #85
CIVIL ENGINEERING SERVICES**

This Task Order is made as of December 20, 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:

Provide civil engineering services for the complete design and specification preparation, bidding and construction management for the 2012 City Improvements Project, including sidewalk replacement, asphalt bike path paving, and storm sewer inlet repairs.

Section A. – Scope of Services

Engineer shall perform the following Services:

Plan Preparation Activities

1. Provide supplemental survey, field reviews, and plan & specification preparation for the field repair of the existing storm sewer at the intersection of Chestnut Street and Bieneman Road at the south side of the existing bridge.
2. Provide design updates to the Echo Park Bike Path plans previously completed and provide plans & specifications. This work will include review and updating of the WDNR permit that is required to complete this work. This design was completed under a previous task order and will be updated to coordinate with the 2012 City Improvements Project.
3. Provide plan preparation with the coordination of City staff for the sidewalk reconstruction program throughout the City and the replacement of handicap ramps at Cooper and Waller Schools.
4. Prepare and provide Project Manual including but not limited to Advertisement for Bids, Instruction to Bidders, Bid Form, Bidder's Qualification Statement, Agreement, and General Conditions of Contract, Supplementary Conditions, and Special Provisions.

Construction Management Activities

5. Provide administrative services to manage client coordination/invoicing, project schedules, contract change order documentation, establish project logs, formatting monthly contract quantity estimating and contractor invoicing and contract closeout documentation for base bid projects.

6. Provide construction staking for necessary items within the construction contract.
7. This survey provides for a “one time” staking for a particular item. If the contractor damages any stakes, they shall be responsible for the cost to replace those damaged stakes.
8. Prepare as-built drawings for the new utility construction in both hard copy and electronic format (compatible AutoCad format).
9. Coordinate and complete necessary material testing services for utility work completed.
10. 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. **(This task is completed on a monthly basis and is completed for all work completed for the prior month.)**
11. The Engineer will be responsible for notifying, scheduling, conducting, documenting, and distributing minutes of the preconstruction conference.
12. Prepare and provide project update memorandum and provide copies of the daily journal entries to City staff upon request.
13. It is anticipated the construction work under the 2012 City Improvements Project contract will begin on or after April 16, 2012 and be completed by June 30, 2012. This schedule has been provided for estimating purposes only. Engineer and staking construction services are estimated on the engineering and survey staff being on site as needed and completing project paperwork for up to 11 weeks. No work impacting the flow of traffic would be allowed or started during Chocolatefest.

Section B. – Schedule

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

1. Provide “Preliminary Plans” to the Department of Public Works for review and comment on or before February 7, 2012.
2. Provide Final Plans and Specification to the Department of Public Works for bid on or before March 1, 2012.
3. Bids due on or before March 15, 2012.
4. Approval of construction contract anticipated March 20, 2012 with construction starting in mid-April 2012.

Section C. – Compensation

In return for the performance of the foregoing obligations, Owner shall pay to Engineer an amount not-to-exceed Seventeen Thousand Nine Hundred and Eighty-Six Dollars (\$17,986.00) 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: _____

