



**AGENDA
COMMON COUNCIL**

Tuesday, March 20, 2012

**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

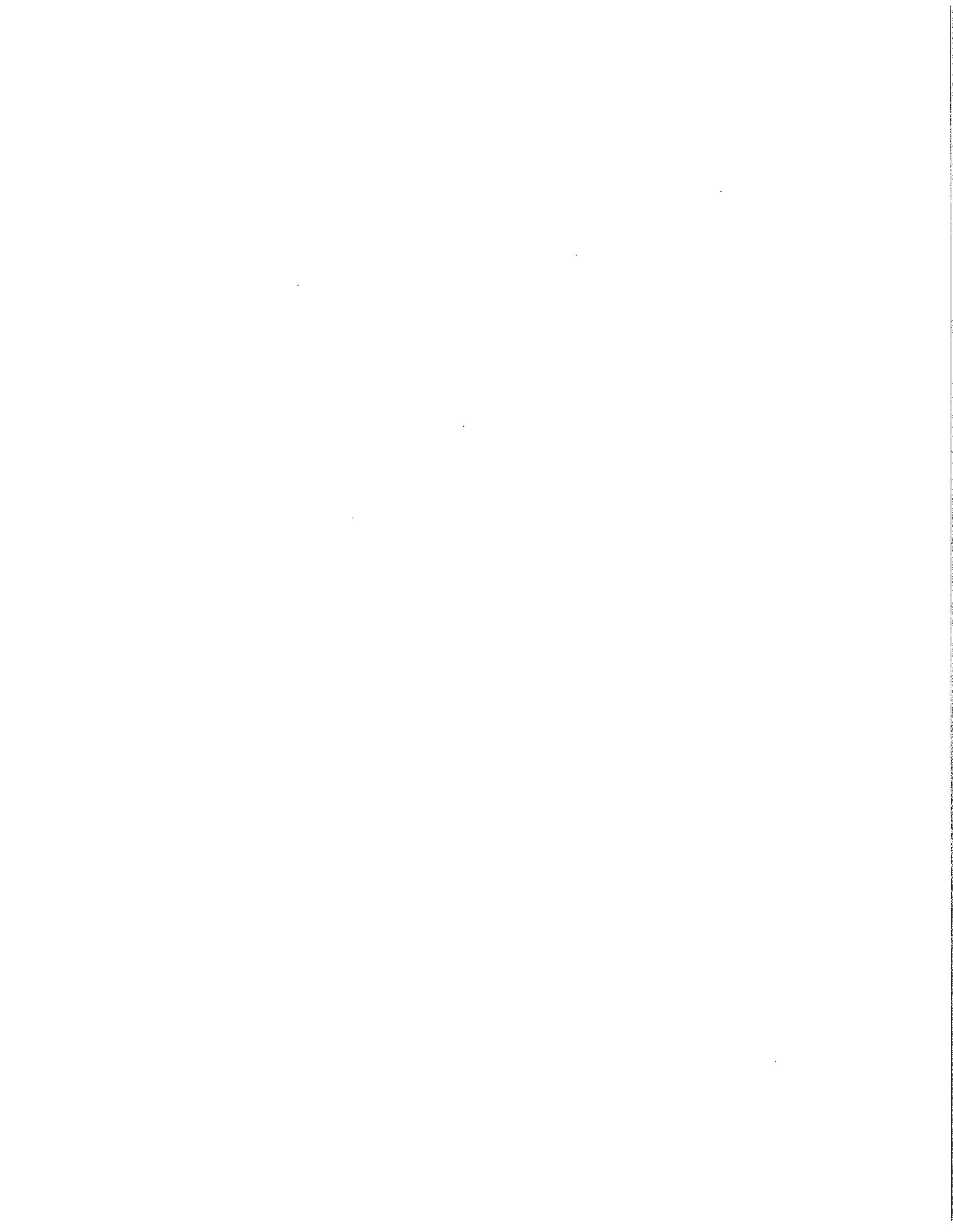
Jeff Fischer, Alderman, 4th District

Student Representatives:

Sarvpal 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 March 6, 2012. (*P. Hintz*)
6. Letters and Communications:
 - A. Correspondence from Alderman Johnson regarding his absence from the March 20, 2012 meetings.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-3: (*T. Vos*)
 - Report 1 – Board of Public Works minutes, September 29, 2011
 - Report 2 - Plan Commission minutes, February 14, 2012
 - Report 3 – Committee of the Whole minutes, March 6, 2012
9. Payment of Vouchers. (*S. Rauch*)
10. Licenses and Permits. (*K. Simenson*)
11. Appointments and Nominations: None.



12. **PUBLIC HEARINGS:**

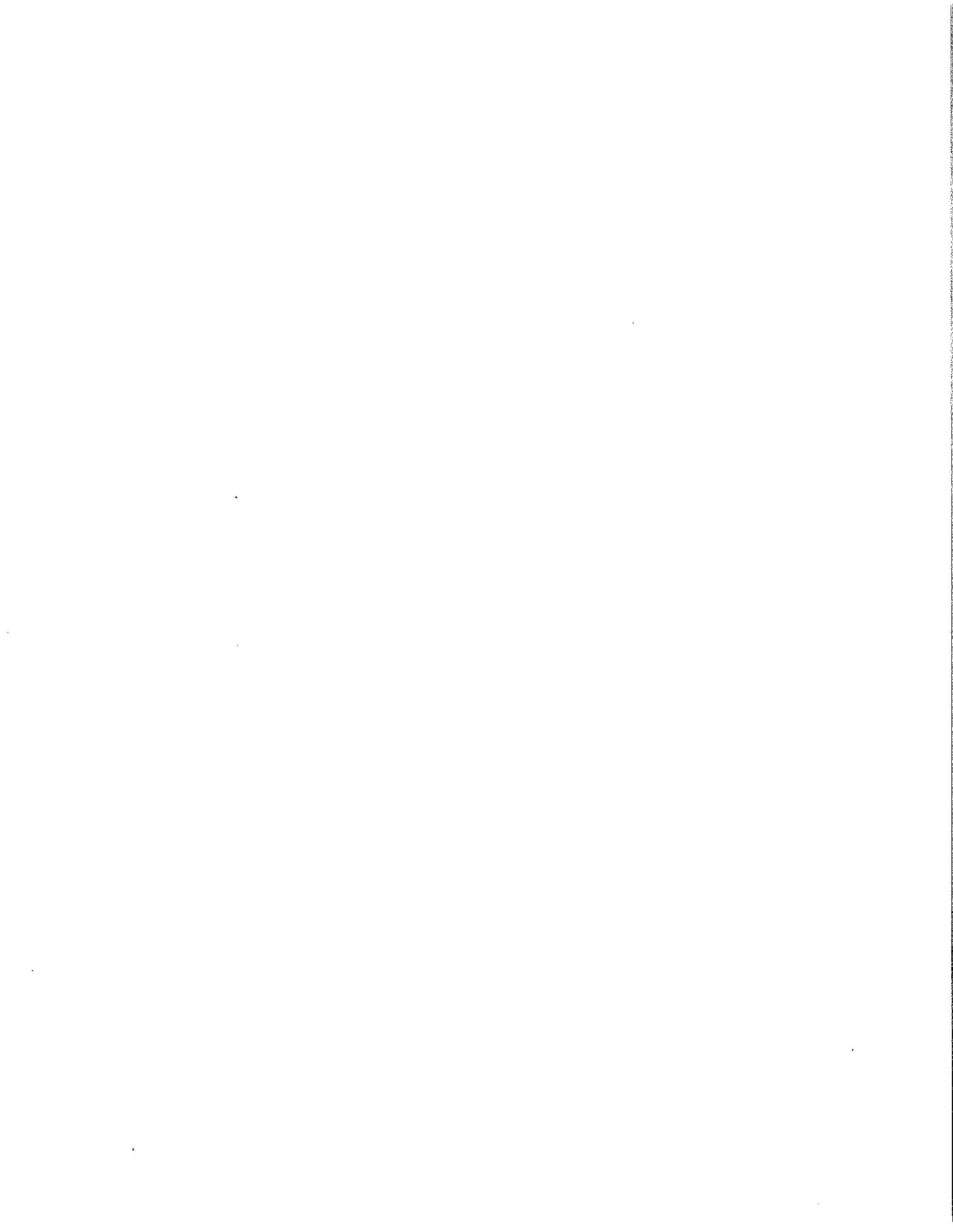
- A. A Public Hearing to hear comments and concerns regarding City of Burlington's intention to exercise its police power in accordance with §66.0703, Wis. Stats., and §274-3 of the Code of the City of Burlington to levy special assessments upon property as described in Resolution 4535(60) for reconstruction of various sidewalks. (*J. Fischer*)

13. **RESOLUTIONS:**

- A. Resolution 4532(57) to consider authorizing the extension of deadlines for installing street trees and public sidewalks at the Glen at Stonegate Subdivision, Addition One. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*E. Johnson*)
- B. Resolution 4533(58) to consider authorizing the extension of deadlines for installing final lift of asphalt and water main loop at the Glen at Stonegate Subdivision, Addition One. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*R. Prailes*)
- C. Resolution 4535(60) to consider declaring intent to exercise special assessment powers for reconstruction of sidewalks at various locations. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*J. Prailes*)
- D. Resolution 4536(61) to consider the purchase of a pick-up truck for the Department of Public Works from Ewald Automotive Group in the amount of \$18,729. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*P. Hintz*)
- E. Resolution 4537(62) to consider the purchase an aerial truck for the Department of Public Works from Dueco, Inc. in the amount of \$199,585. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*T. Vos*)
- F. Resolution 4538(63) to consider the purchase of two zero-turn radius lawn mowers with polar trac units for the Department of Public Works from Reinders in the amount of \$81,783.63. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*T. Vos*)
- G. Resolution 4539(64) to consider the purchase a Hot Patch Machine for the Department of Public Works from Casper Truck Equipment in the amount of \$9,150. This item was discussed at the March 6, 2012 Committee of the Whole meeting. (*T. Vos*)
- H. Resolution to consider approving a Letter of Agreement for three years with Accurate Appraisal for assessment services in the amount of \$13,500 per year. This item was discussed at tonight's Committee of the Whole meeting.

14. **ORDINANCES:**

None.



15. **MOTIONS:**

- A. Motion 12----- to consider approving the booking and payment of \$10,000 to Bartolotta Fireworks Company, Inc. for the fireworks display on July 4, 2012. This item was discussed at tonight's Committee of the Whole meeting. (*J. Fischer*)

16. **ADJOURN INTO CLOSED SESSION** (*R. Prailes*)

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.

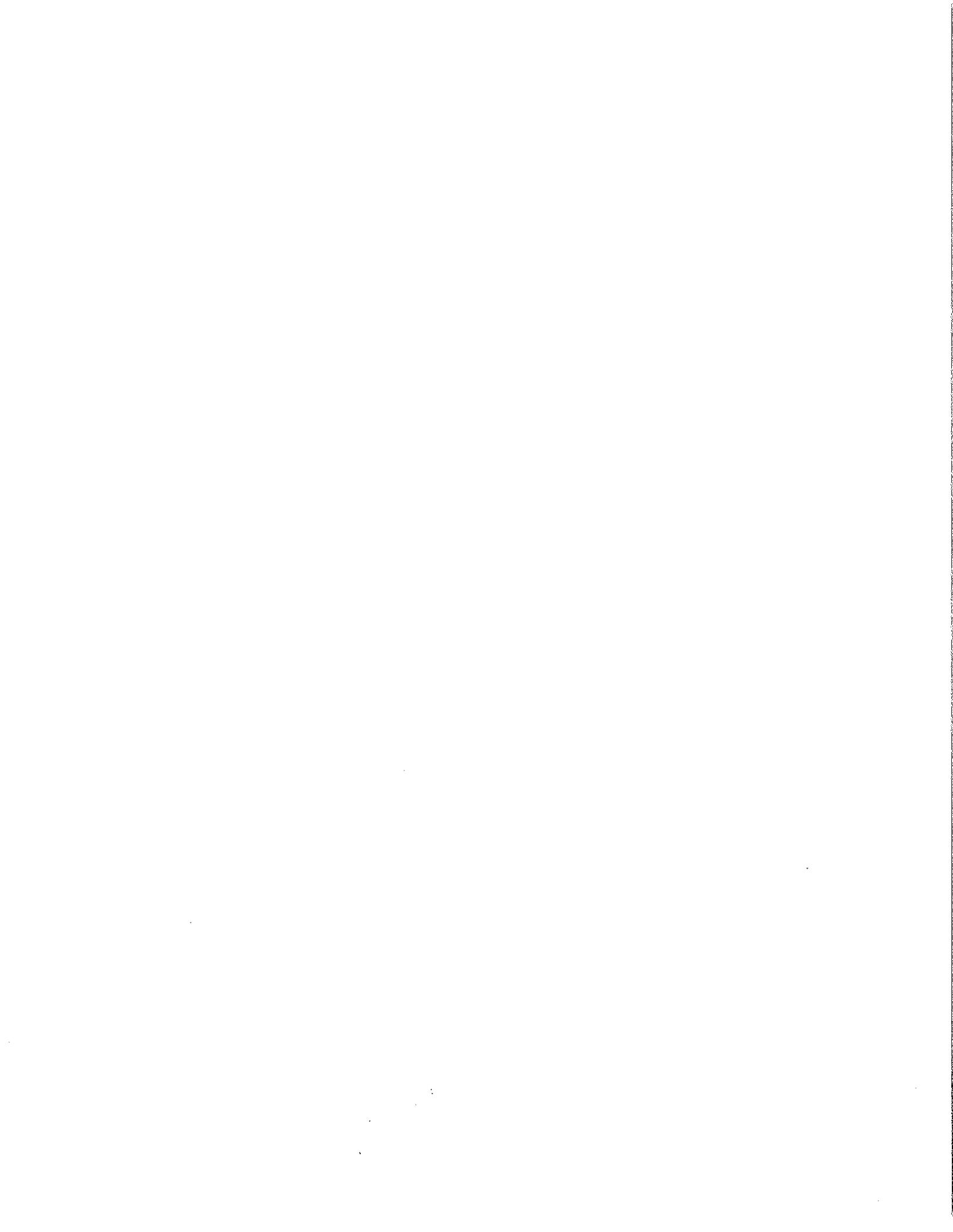
- Consideration to purchase property.

17. **RECONVENE INTO OPEN SESSION** (*E. Johnson*)

1. Consideration on recommendations from the City Council.

18. **ADJOURNMENT** (*J. Prailes*)

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: March 20, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from March 6, 2012 Common Council meeting. Staff recommends approval of these minutes.

Options & Alternatives:

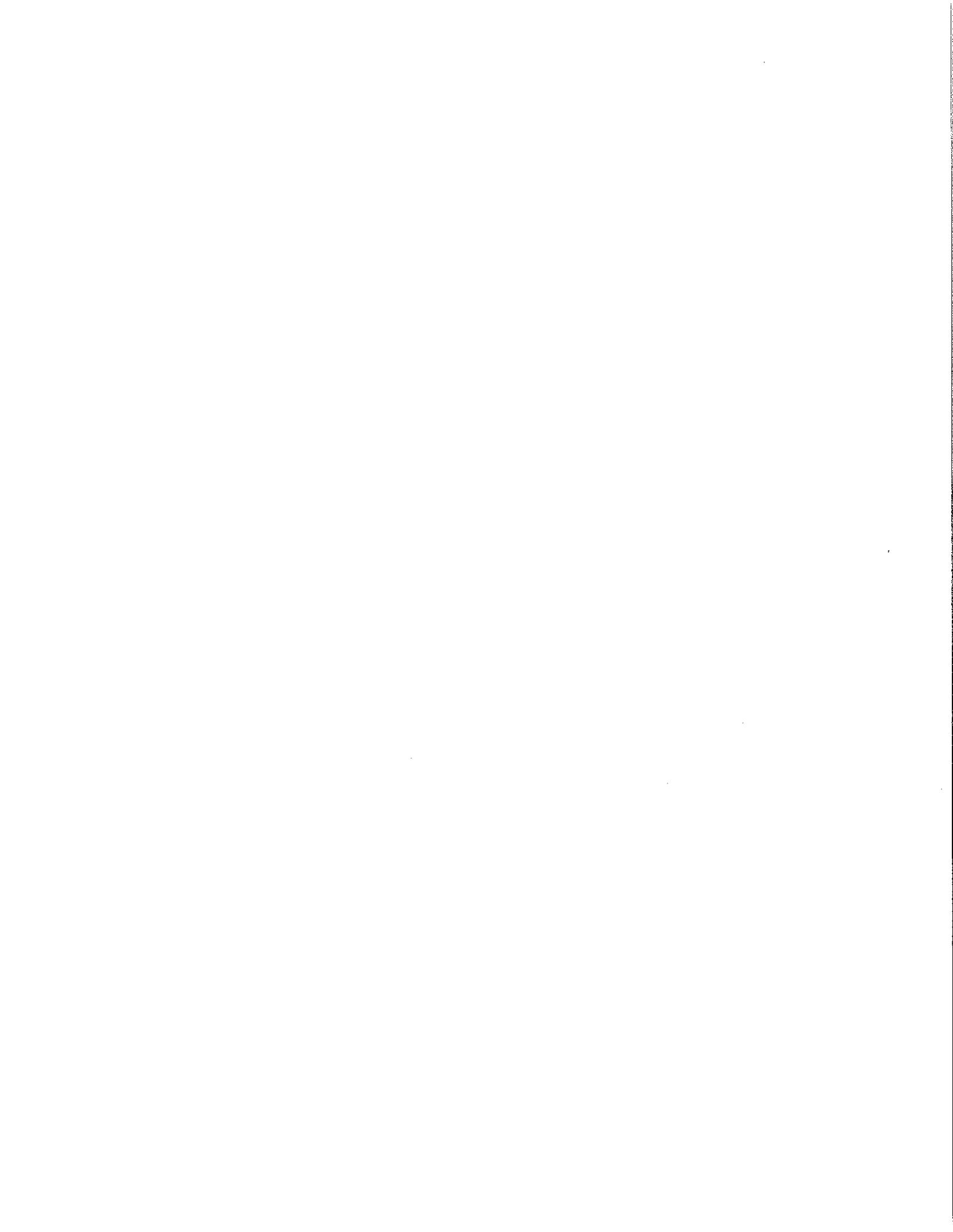
N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Common Council approve these minutes at the March 20, 2012 Common Council meeting.





City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
March 6, 2012

1. **CALL TO ORDER - ROLL CALL**

Mayor Bob Miller called the meeting to order at 7:36 p.m. starting with roll call. Aldermen present: Bob Prailes, Ed Johnson, Jim Prailes, Peter Hintz, Tom Vos, Steve Rauch, Jeff Fischer, Katie Simenson

Student Representatives Present: Dale Morrow Absent: Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Assistant to the Administrator Megan Johnson, Treasurer Steve DeQuaker, Supervisor Streets and Parks Dan Jensen, DPW Mechanic Chris Keefer

2. **PLEDGE OF ALLEGIANCE**

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

3. **CITIZEN'S COMMENTS**

Mr. Wayne Swihart, 289 West State Street discussed the issue of Precise Automotive, 111 Schemmer Street leaving parked cars on the street during snowstorms.

4. **CHAMBER OF COMMERCE REPORT**

None

5. **APPROVAL OF COMMON COUNCIL MINUTES FOR FEBRUARY 21, 2012**

A motion was made by Hintz with a second by Rauch to approve the Common Council minutes of February 21, 2012. With all in favor, the motion carried.

6. **LETTERS AND COMMUNICATIONS**

None

7. **REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS**

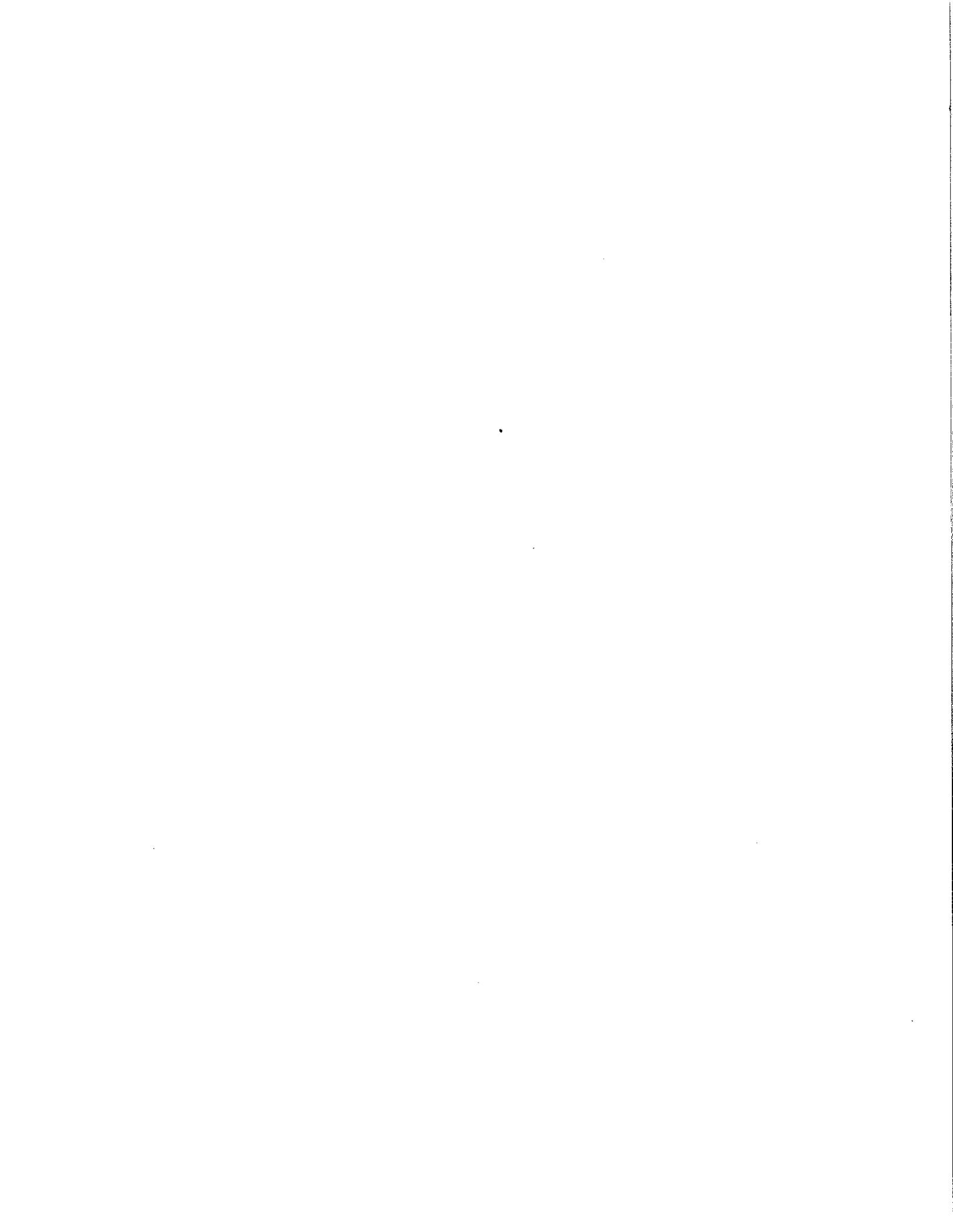
Vos was concerned with the reply from the Department of Public Works included in the article in the Standard Press on any savings realized for snow removal this season. It had been reported that it was a status quo and Vos did not think that could be accurate. Lahner will provide a Budget to Actual report to Vos.

8. **REPORTS 1-6**

A motion to approve Reports 1-6 was made by Vos with a second by Jim Prailes. With all in favor, the motion carried.

9. **PAYMENT OF VOUCHERS**

A motion was made by Rauch with a second by Vos to approve vouchers, pre-paid and reimbursements in the amount of \$3,651,191.34. Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.



10. LICENSES AND PERMITS

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

12. PUBLIC HEARINGS

"A PUBLIC HEARING TO HEAR COMMENTS AND CONCERNS REGARDING THE PROPOSED FLOODPLAIN ZONING ORDINANCES THAT CREATE CHAPTER 119, "FLOODPLAIN" AND AMENDED MULTIPLE PROVISIONS OF CHAPTER 315, "ZONING" IN THE CODE OF THE CITY OF BURLINGTON"

Mayor Miller opened the meeting at 7:55 p.m. There were no comments. A motion was made by Bob Prailes with a second by Vos to close the public hearing. With all in favor, the public hearing closed at 7:56 p.m.

13. RESOLUTIONS

A. RESOLUTION 4528(53) "A RESOLUTION TO ADOPT A POST ISSUANCE COMPLIANCE POLICY TO MONITOR TAX EXEMPT OR TAX ADVANTAGED OBLIGATIONS"

A request for a second reading and a motion to approve was made by Johnson with a second by Hintz. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

B. RESOLUTION 4529(54) "A RESOLUTION TO AWARD THE BID TO REPLACE THE ROOF ON THE FIRE DEPARTMENT AT 165 WEST WASHINGTON STREET TO CARLSON RACINE ROOFING IN THE AMOUNT OF \$21,960"

A request for a second reading and a motion to approve was made by Bob Prailes with a second by Johnson. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

C. RESOLUTION 4530(55) "A RESOLUTION TO APPROVE A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 180 INDUSTRIAL DRIVE"

A request for a second reading and a motion to approve was made by Jim Prailes with a second by Simenson. Roll Call: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

D. RESOLUTION 4531(56) "A RESOLUTION TO APPROVE A CONTRACT BETWEEN THE CITY OF BURLINGTON AND DIGICORP FOR INFORMATION TECHNOLOGY (IT) SUPPORT SERVICES"

A request for a second reading and a motion to approve was made by Hintz with a second by Simenson. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

E. RESOLUTION 4534(59) "A RESOLUTION TO CONSIDER APPROVING A MEMORANDUM OF UNDERSTANDING WITH RACINE COUNTY TO PROVIDE COUNTY COUNTER SERVICES AT CITY HALL"

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

14. ORDINANCES

A. ORDINANCE 1942(19) "AN ORDINANCE TO CREATE CHAPTER 119, "FLOODPLAIN" IN THE MUNICIPAL CODE"

A request for a second reading and a motion to approve was made by Rauch with a second by Simenson. Roll Call Aye: Bob Prailes, Johnson, Jim Prailes, Hintz, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

B. ORDINANCE 1943(20) "TO AMEND SECTIONS OF CHAPTER 315 IN THE MUNICIPAL CODE REFERENCING FLOODPLAINS"

A request for a second reading and a motion to approve was made by Simenson with a second by Bob Prailes. Roll Call Aye: Johnson, Jim Prailes, Hintz, Vos, Rauch, Simenson, Bob Prailes, Fischer Nay: None Motion carried 8-0.

15. MOTIONS

A. MOTION 12-735 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 100 EAST CHESTNUT STREET"

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

16. ADJOURN INTO CLOSED SESSION PER WIS.STATS. 19.85(1) (c) "CONSIDERING 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 Bob Prailes with a second by Fischer to adjourn into closed session. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

17. RECONVENE INTO OPEN SESSION

A motion was made by Simenson with a second by Johnson to return to open session. With all in favor the motion carried.

18. RECOMMENDATION FROM CLOSED SESSION

A motion was made by Vos with a second by Fischer to approve a separation agreement with Mr. Andrew Brierly. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

A motion was made by Fischer with a second by Jim Prailes to approve the amended contract for the Chief of Police Peter Nimmer. Roll Call Aye: Bob Prailes, Johnson, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 8-0.

19. ADJOURN

A motion was made by Simenson with a second by Bob Prailes to adjourn the meeting. With all in favor the meeting adjourned at 8:44 p.m.

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



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Common Council Agenda Item Number: 6A	Date: March 20, 2012
Submitted By: Alderman Ed Johnson	Subject: Communications

Details:

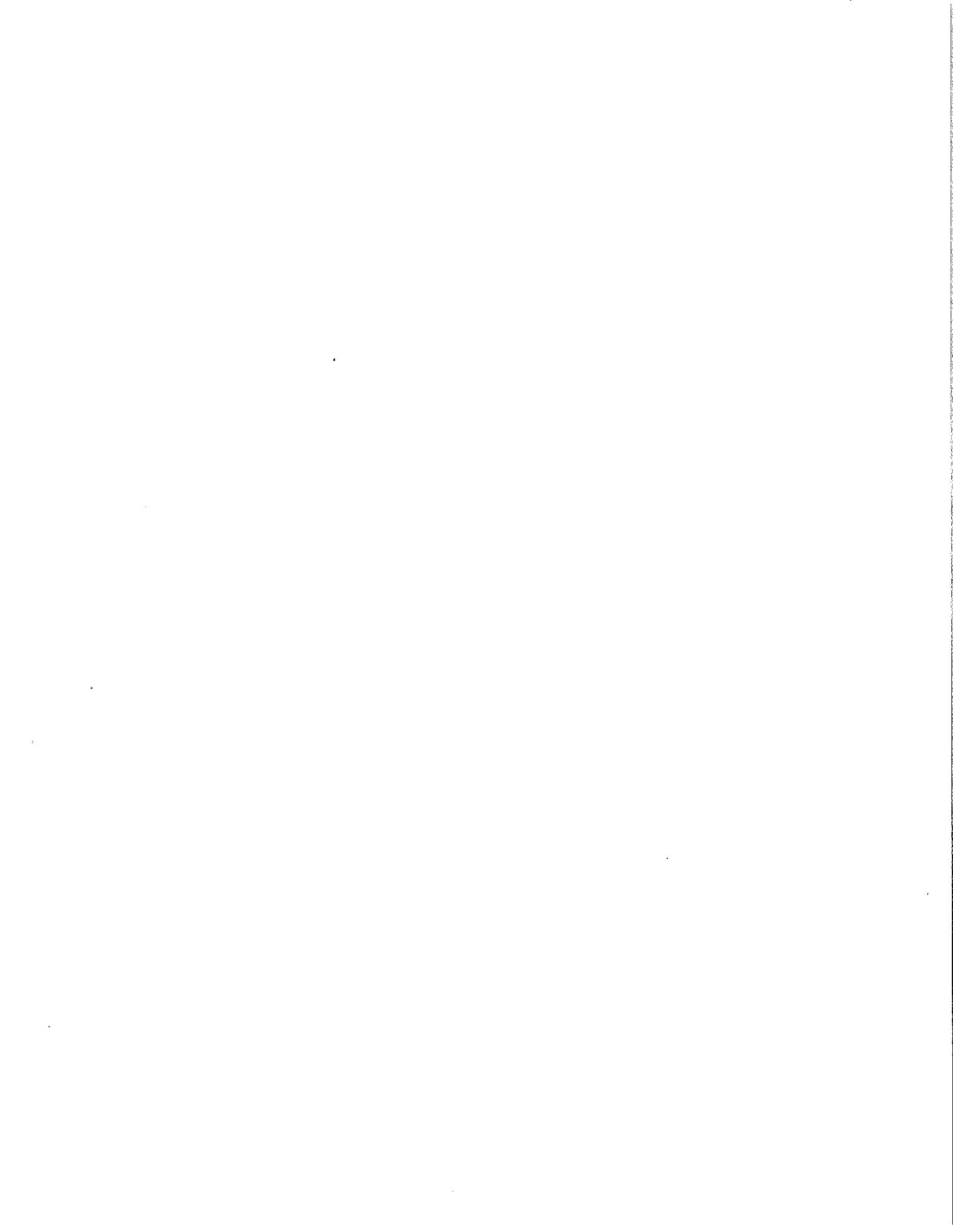
Communication A – Alderman Ed Johnson will be unable to attend the March 20, 2012 Committee of the Whole and Common Council meetings.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept this communication at the March 20, 2012 Common Council meeting.



TO: Bob Miller, Mayor

Bev Gill, Clerk

FROM: Ed Johnson, 1st District Alderman

This is to inform you and the City Council, that my wife and I have rented a house in Arizona for the months of February and March. I will miss two council meetings on February 7 and March 20. I will be back for the February 21 and the March 6 meetings.

Thank you.



Ed Johnson





CITY OF BURLINGTON

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Common Council Agenda Item Number: 8	Date: March 20, 2012
Submitted By: City Staff	Subject: Reports 1-3

Details:

Attached please find the following reports:

- Report 1 – Board of Public Works minutes, September 29, 2011
- Report 2 - Plan Commission minutes, February 14, 2012
- Report 3 – Committee of the Whole minutes, March 6, 2012

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the March 20, 2012 Common Council meeting.

**Board of Public Works
McCanna Sanitary Sewer Project
Thursday, September 29, 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 9:00 a.m. with the following in attendance: Mayor Robert Miller, Attorney John Bjelajac, Alderman Katie Simenson

Also in attendance: Utility Manager Ms. Connie Wilson, Engineering Tech Ms. Judy Gerulat and Mr. Mike Timmers, Kapur Engineering

A motion was made by Bjelajac with a second by Simenson to approve the Board of Public Works minutes from Thursday, June 16, 2011. With all in favor, the motion carried.

See attached bid tab for bids received.

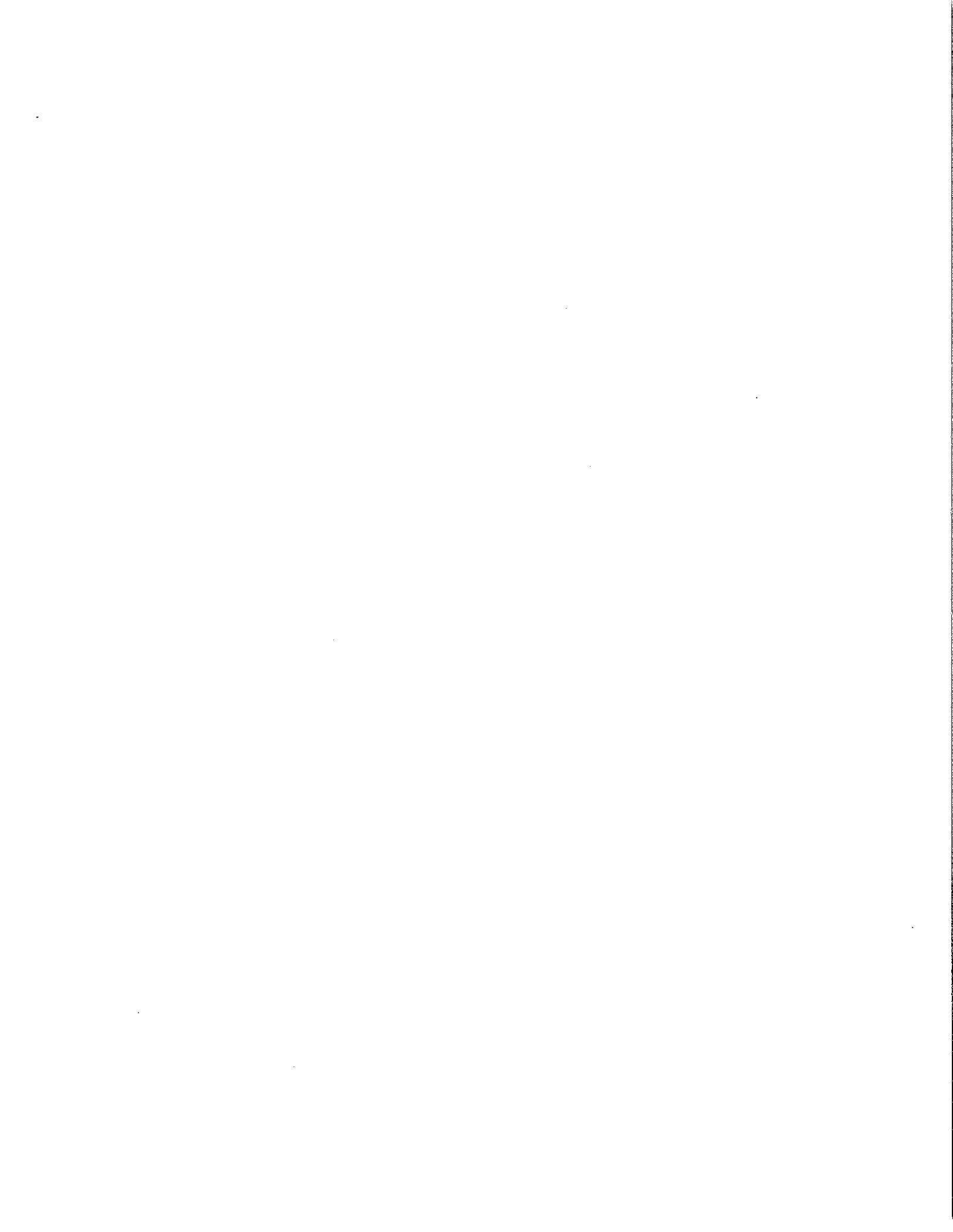
A motion was made by Simenson to refer the bids to Kapur Engineering and staff for recommendation. Bjelajac seconded the motion and with all in favor the motion carried.

A motion was made by Bjelajac to adjourn the meeting. Simenson seconded the motion and with all in favor, the meeting adjourned at 9:15 a.m.

Respectfully submitted,



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





Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
February 14, 2012, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Aldermen Tom Vos and Robert Prailes; Commissioners Darrel Eisenhardt, Michael Deans Chris Reesman and John Lynch; Student Representative Kyle Burns and Town of Burlington Representative Phil Peterson were absent. Student Representative Bianca Clayton was excused. Also present were City Administrator Kevin Lahner, Zoning Administrator Patrick Scherrer and City Engineer Tom Foht.

APPROVAL OF MINUTES

Alderman Vos moved and Alderman Prailes seconded to approve the minutes of January 10, 2012. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

None

PUBLIC HEARINGS

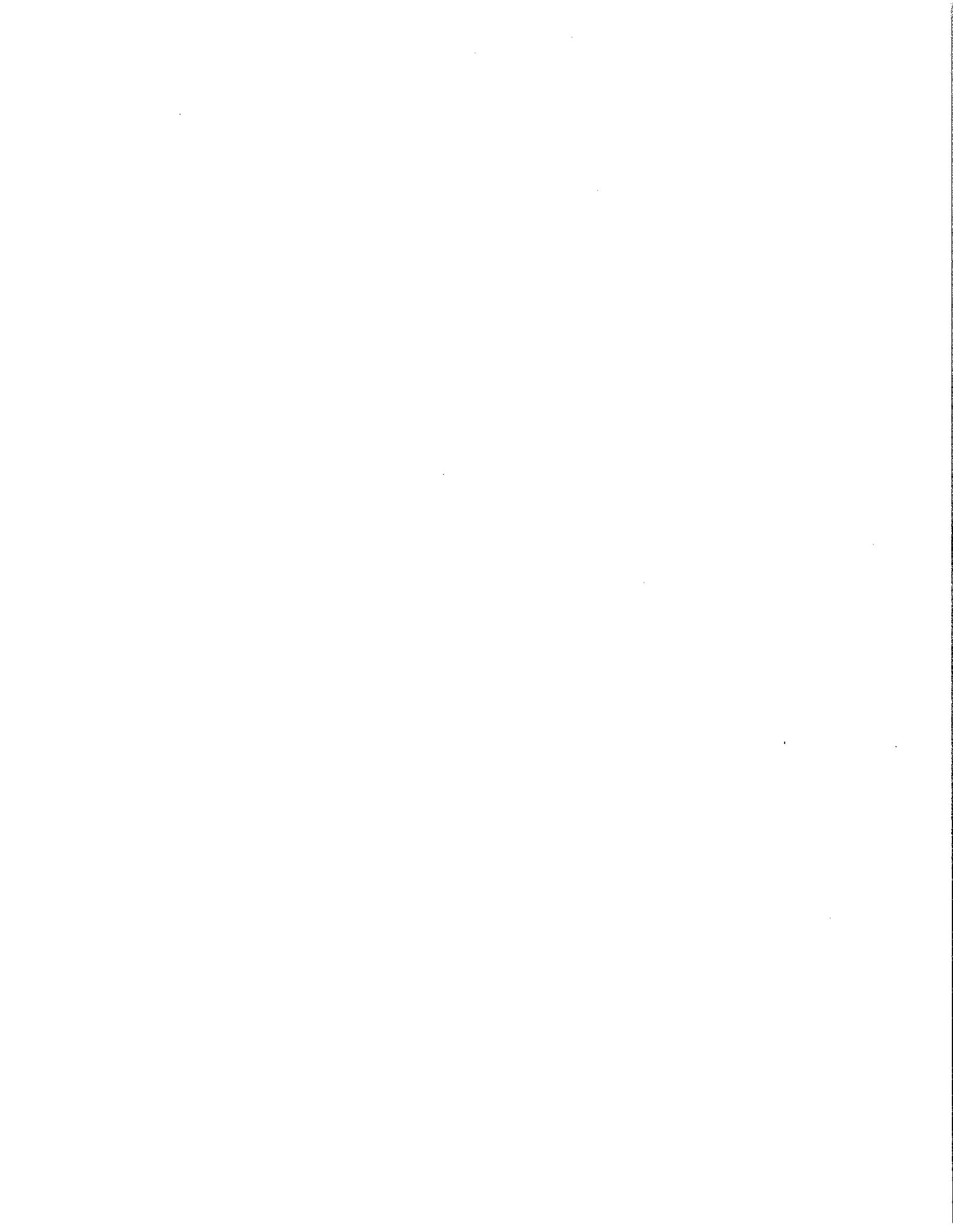
- A. A Public Hearing to hear public comments regarding a Conditional Use Application from Bill Schoessling on behalf of Love, Inc. for property located at 464-466 S. Pine Street to use for retail sales.**
- Mayor Miller opened the public hearing at 6:31 p.m.
 - There were no comments. Alderman Prailes moved and Alderman Vos seconded to close the Public Hearing at 6:32 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 Bill Schoessling on behalf of Love, Inc. for property located at 464-466 S. Pine Street to use for retail sales.**
- Mayor Miller opened this item for discussion.



- Patrick Meehan stated he talked with the architect for Love, Inc. who agreed to reduce the retail area by one hundred square feet and extend the storage area one hundred square feet to comply with parking requirements.
- There were no further comments.

Commissioner Lynch moved and Commissioner Eisenhardt seconded to approve a Conditional Use and Site Plan at 464-466 S. Pine Street subject to Patrick Meehan's January 27, 2012 and Kapur & Associates' January 31, 2012 memorandums to the Plan Commission as follows:

- In order to meet the total of 20 required off-street parking spaces it is recommended that the amount of retail sales area in Building A be reduced by 100 square feet and the amount of square feet of retail associated storage area be increased by 100 square feet. This would result in a space allocation of 3,200 square feet for the proposed retail sales area (selling used children's clothes and toys) and 1,900 square feet for retail sales associated storage requiring only 19 off-street parking spaces.
- If additional outdoor lighting is proposed in the future, total cut-off luminaires are to be used throughout the site meeting the requirements of Sections 315-30(H) and 315-137(C)(25) of the City Zoning Ordinance.
- The handicap accessible stall is located at the front of building "B". This building does not have an accessible route to the door. There is an existing curb and gutter along the front of the building. We recommend either moving the Handicap stall to the front of building "A" which has a wood ramp for accessible entry or providing a ramp at access aisle to building "B".

All in favor and the motion carried.

- Commissioner Lynch recused himself from Items 8B and 8C at 6:33 p.m.

B. Consideration to recommend approval to the Common Council of a Certified Survey Map for 180 Industrial Drive.

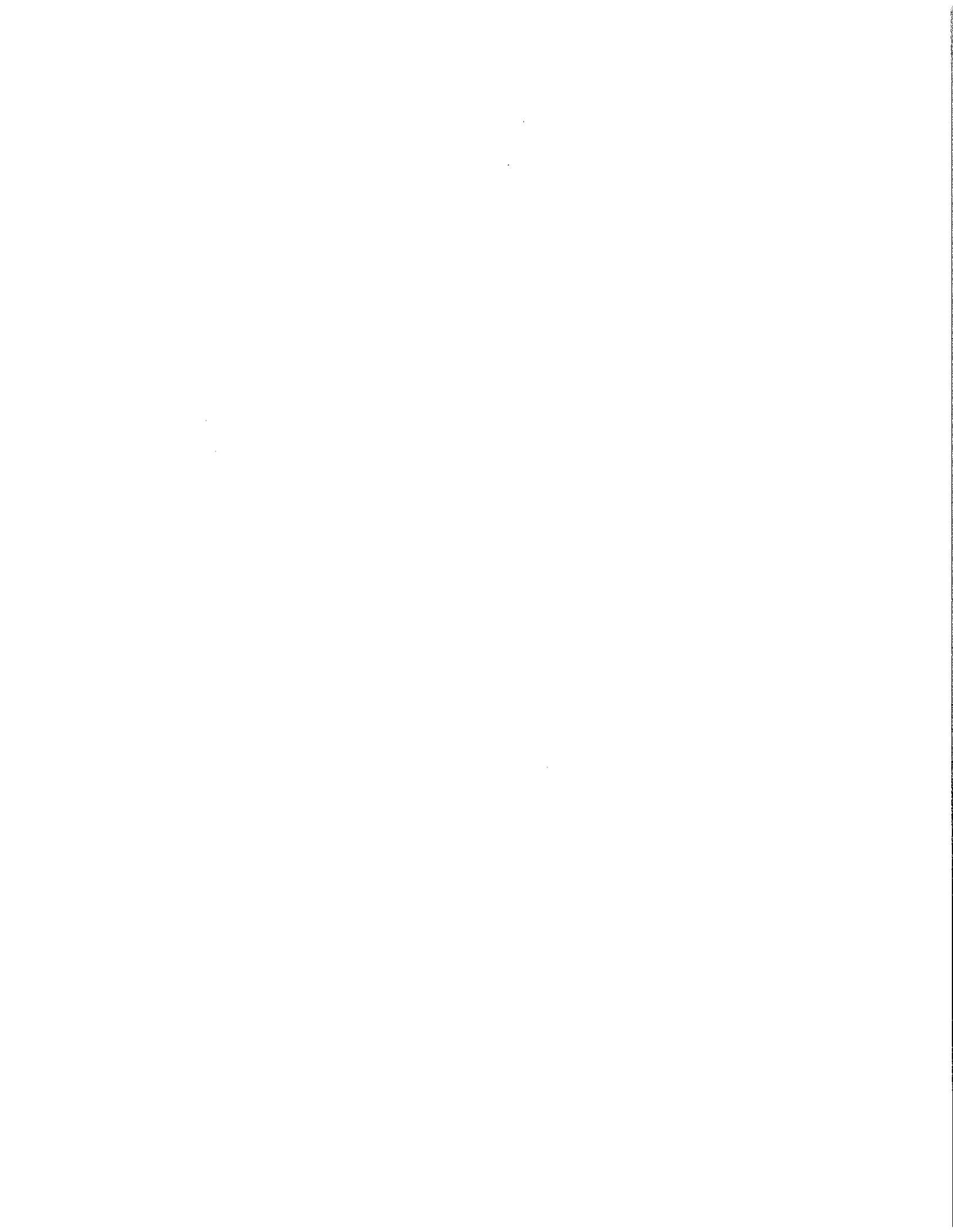
- Mayor Miller opened this item for discussion.
- There were no comments.

Alderman Vos moved and Commissioner Reesman seconded to recommend approval of a Certified Survey Map for 180 Industrial Drive.

All in favor and the motion carried.

C. Consideration to approve a Site Plan application from Kurt Petrie on behalf of LDV, Inc. for property located at 180 Industrial Drive to construct a 22,500 sq. ft. addition.

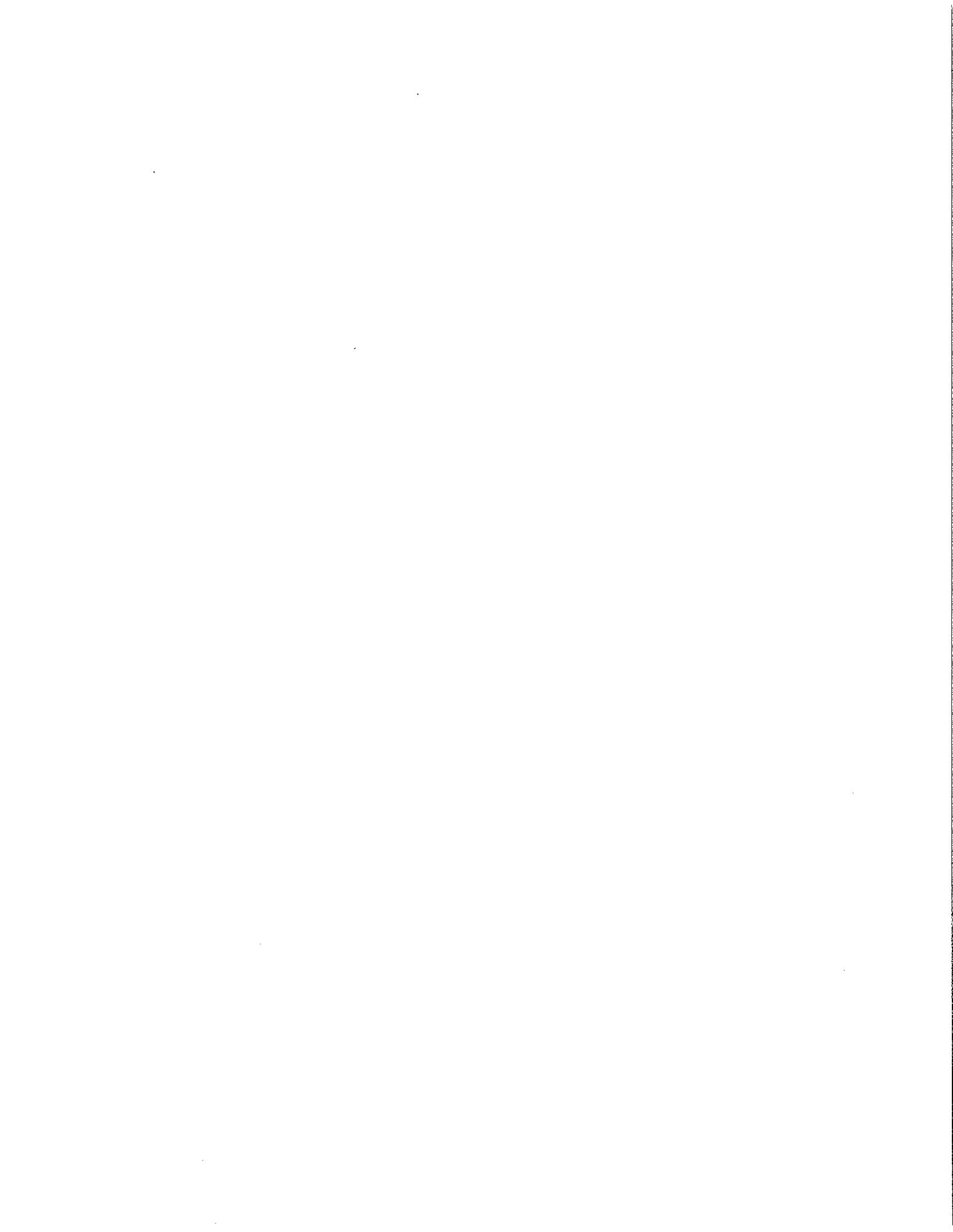
- Mayor Miller opened this item for discussion.



- Tim Lynch, architect for LDV, Inc. gave a brief presentation regarding the building addition and lot combinations. Mr. Lynch requested a waiver for the Natural Resource Preservation Easement on the CSM as indicated in Patrick Meehan's memorandum.
- Alderman Prailes asked for more clarification of the easement request. Patrick Meehan stated the Comprehensive Plan shows an environmental corridor in the southeast corner of the proposed Lot 2. The easement is requested to protect this corridor from future expansion. He further stated the easement is in relation to the CSM, not the building addition which would be on Lot 1.
- Alderman Vos questioned if LDV is landlocked due to the environmental corridor. Mr. Meehan stated it would be at the discretion of SEWRPC.
- Kurt Petrie of LDV, Inc. stated LDV purchased the property to the south that formerly housed the vehicle emission test station. He further stated that neither LDV building are near the proposed easement site and feels having a delineated easement drafted will cost a lot of time and money for something so far from the buildings.
- There were no further comments.

Alderman Prailes moved and Commissioner Reesman seconded to approve a Site Plan at 180 Industrial Drive without the Natural Resource Preservation Easement, subject to Patrick Meehan's February 5, 2012 and Kapur & Associates' February 8, 2012 memorandums to the Plan Commission as follows:

- Section 278-48(A)(5) of Chapter 278 requires the following data to be indicated on the Certified Survey Map: "Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based upon National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created is (are) fully developed."
- It is recommended that the applicant provide written proof to the City of Burlington (such a document recorded with the Racine County Register of Deeds) that such a land consolidation has actually taken place prior to the City's issuance of a Building Permit. Based upon the proposed Certified Survey Map submitted by the applicant, to combine existing Lots 6 and 7 to form a new Lot 1 and to combine existing Lots 8 and 9 to form a new Lot 2, Meehan & Company, Inc. assumes that the applicant's choice of "Land Consolidation" instrument is the proposed Certified Survey Map.
- Permanent Marking of Off-Street Parking Area: Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking stalls serving five (5) or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times. This requirement will need to be met prior to the issuance of an Occupancy Permit.
- The plans do not call out stabilization in areas of soil disturbance. Areas of disturbance and restoration should be clearly shown on the construction plan set,



specifically the area of the new water main installation. Please add the appropriate erosion control and restoration measures to the final plans.

All in favor and the motion carried.

- Commissioner Lynch re-entered the meeting at 6:49 p.m.

D. Consideration to renew a Conditional Use Permit for Menards located at 2100 Milwaukee Avenue per Patrick Scherrer's January 31, 2012 memorandum to the Plan Commission.

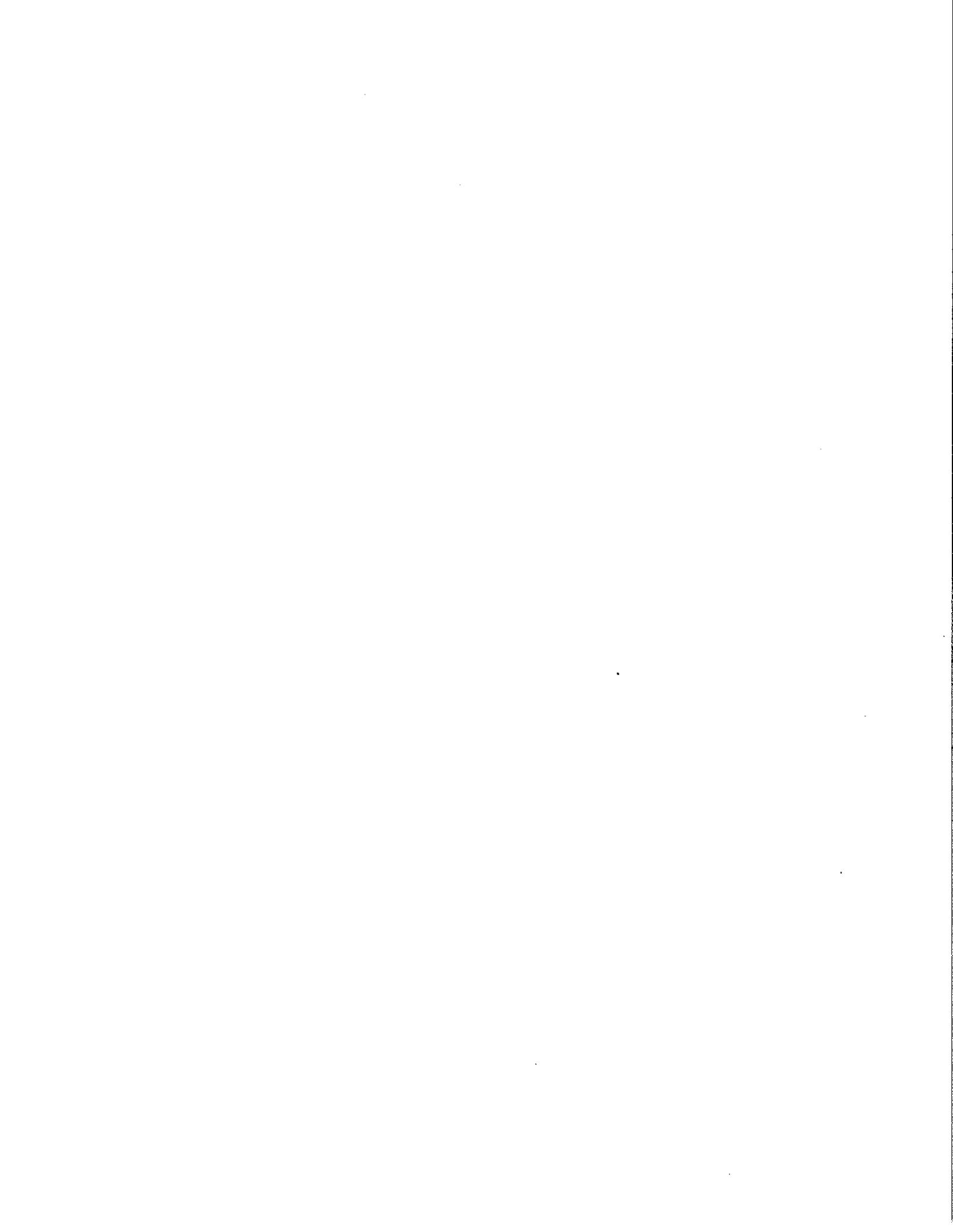
- Mayor Miller opened this item for discussion.
- There were no comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to renew the CUP for Menards at 2100 Milwaukee Avenue.

All in favor and the motion carried.

E. Consideration to recommend approval to the Common Council of Ordinance 1942(19) to create Chapter 119, "Floodplain" in the Municipal Code and Ordinance 1943(20) to amend Chapter 315 in the Municipal Code to align with State and FEMA mandated floodplain provisions.

- Mayor Miller opened this item for discussion.
- Administrator Lahner explained that these ordinances are modeled after the Department of Natural Resources (DNR) model ordinance. He further explained that by creating Chapter 119 future amendments would be easier to accomplish and that all of the provisions are the same.
- Patrick Meehan stated the floodplain code revisions done in 2006 were based on the Racine County code which occurred at the time when the STH 36/83 Corridor Plans were adopted.
- Commissioner Lynch questioned if the proposed floodplain code would alleviate any questions if there were any future annexations. Patrick Meehan stated it depends on what the DNR has required of the county for amendments however it should be the same model ordinance.
- Tom Foht of Kapur & Associates stated that each municipality in Wisconsin will have to update their floodplain code as required by the DNR in response to the updated FEMA FIRM maps. He further stated there were very little to no changes to the provisions in the code and that the floodplain borders on the FIRM maps have only minor changes since the last revision in 1982. He further stated one section was added to the code that is not in the DNR model ordinance referring to floodplain storage.
- There were no further comments.



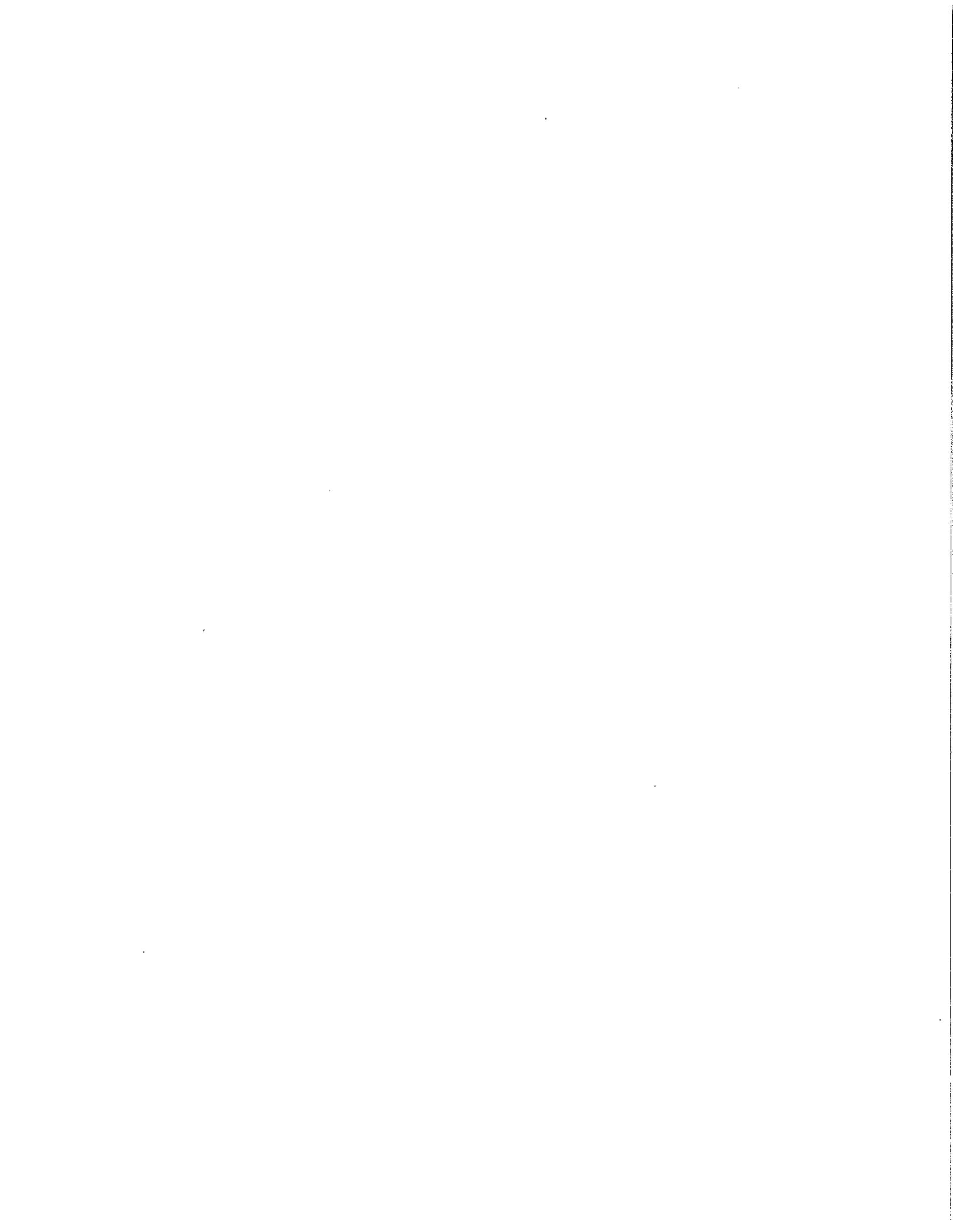
Commissioner Lynch moved and Alderman Prailes seconded to recommend approval of Ordinance 1942(19) and Ordinance 1943(20).

All in favor and the motion carried.

ADJOURNMENT

Commissioner Lynch moved and Commissioner Eisenhardt seconded to adjourn the meeting at 7:02 p.m. *All were in favor and the motion carried.*

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator





CITY OF BURLINGTON

Administration Department
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www.burlington-wi.gov

Common Council Item Number: 12A	Date: March 20, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Public Hearing for Resolution 4535(60).

Details:

A Public Hearing has been scheduled to hear comments and concerns from the public regarding the final step in the special assessment process for the reconstruction of sidewalks associated with the 2012 Sidewalk Improvement Project.

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is placed on tonight's Common Council meeting for consideration. Staff recommends approval of this final intent to exercise Special Assessments as described in Resolution 4525(60).

Options & Alternatives:

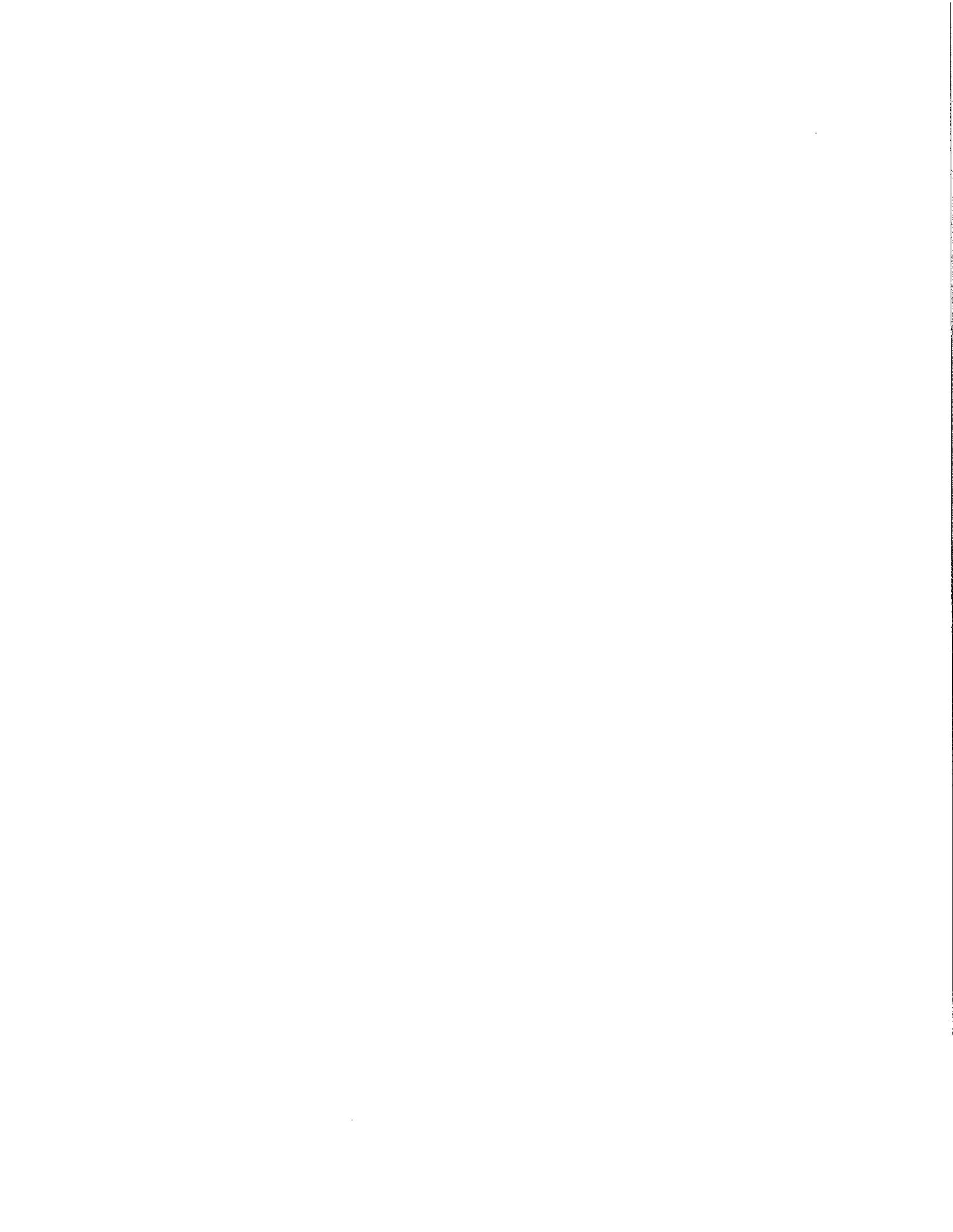
For public comment only.

Financial Remarks:

None.

Executive Action:

This item is for a Public Hearing at the March 20, 2012 Common Council meeting.



STATE OF WISCONSIN

COUNTY OF RACINE

The Common Council in and for the City of Burlington

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS IN THE CITY OF BURLINGTON, WISCONSIN.

To Whom It May Concern:

NOTICE is given that the Common Council of the City of Burlington, Wisconsin has declared its intention to exercise its police power in accordance with §66.0703, Wis. Stats., and §274-3 of the Code of the City of Burlington to levy special assessments upon property within the following described assessment district for benefits conferred upon the properties at the following locations:

ASSESSMENT DISTRICT

Reconstruction of existing sidewalk at various individual properties on streets as follows:

100 block of Beth Ct.
700 block of Chicory Rd.
100 block of Duane St.
100 block of N. Elmwood Ave.
200 block of Gardner Ave.
400-500 block of Hawthorn St.
100 block of E. Jefferson St.
300 block of Kendall St.

A complete list of locations, a report showing final plans and specifications, estimated cost of improvements and proposed assessments is on file at City Hall and may be inspected there during any business day between the hours of 8:00 a.m. and 5:00 p.m.

You are further notified that the Common Council of the City of Burlington, Wisconsin, will hear all interested persons, or their agents or attorneys, concerning matters contained in the preliminary resolution authorizing the assessments and in the above described report during the meeting of the Common Council scheduled to begin at

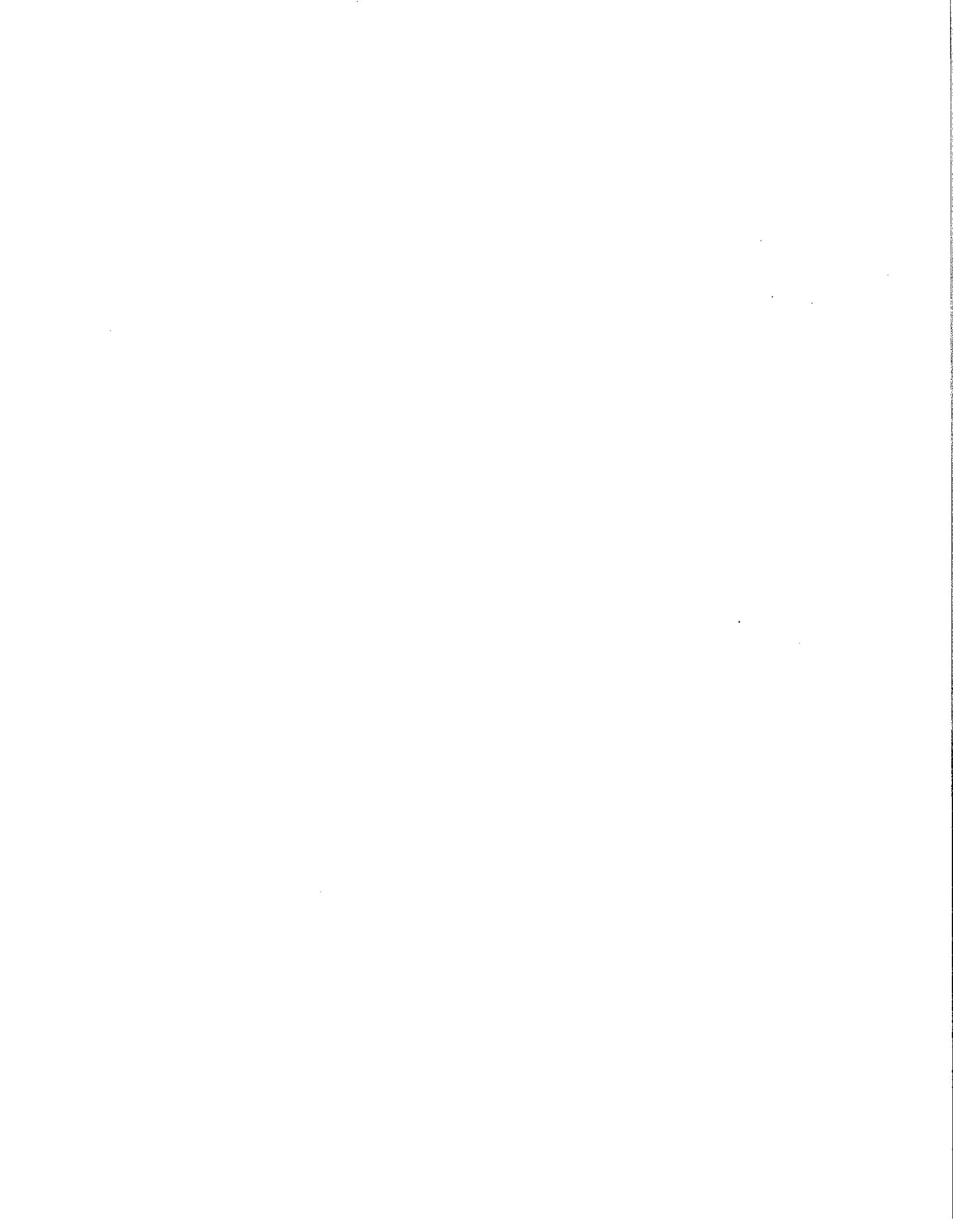
TUESDAY, MARCH 20, 2012 DURING THE MEETING OF THE COMMON COUNCIL SCHEDULED TO BEGIN AT 6:30 P.M. OR SHORTLY THEREAFTER

to hear any persons objecting to, or in support thereof, on the above mentioned matter.

Dated at Burlington, Wisconsin, this 22nd day of February, 2012.

Beverly Gill, City Clerk

Published in the Burlington Standard Press
March 8, 2012





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: March 20, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4532(57) to extend the deadline to install the sidewalks and street trees at Stonegate Subdivision, Addition 1.

Details:

In 2006, the City entered into a Developer's Agreement with the Stonegate Development Group, LLC for the Glen at Stonegate Subdivision Addition 1. As part of this Agreement, the Developer was required to plant street (parkway) trees and install public sidewalks by October 1, 2007 (trees by December 1, 2007). Deadlines were extended in 2008.

Attached is a letter from M&I Bank, owner of the Glen at Stonegate requesting another extension of time to install these public improvements. They are submitting this request because not all of the lots are sold, and the trees and sidewalks will likely be damaged or destroyed if they are put in before home construction on the lot begins.

The owner would also like to extend the deadline to install the sidewalks and street trees until October 31, 2012.

City staff has reviewed this request and feel there would be no hardship to the community if this extension is granted.

Options & Alternatives:

The Council may choose to deny this request and have staff bid out this project using funds remaining in the Letter of Credit to cover costs.

Financial Remarks:

A Letter of Credit remains with the City in the event repairs are not made and staff must complete the remaining improvements.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.



**A RESOLUTION EXTENDING THE DEADLINE TO COMPLETE CERTAIN
IMPROVEMENTS FOR THE GLEN AT STONEGATE SUBDIVISION ADDITION NUMBER ONE**

WHEREAS, the City of Burlington adopted Resolution No. 3793(117) approving the Subdivider's Agreement and Final Plat for the Glen at Stonegate Subdivision; and,

WHEREAS, said Subdivider's Agreement dated April 21, 2004 requires the installation of public sidewalks by the developer, Stonegate Development Group, LLC on or before October 1, 2007 and the installation of street trees by the developer on or before December 1, 2007; and,

WHEREAS, Stonegate Development Group, LLC requested to extend the original deadline of sidewalk installation to October 1, 2008 and the deadline of street tree installation to December 1, 2008 via Resolution 4152(47) approved on September 18, 2007; and,

WHEREAS, M&I Bank is requesting to extend the deadlines to October 31, 2012 to complete these improvements as required in Section 2F(3) and Section 2H of said Subdivider's Agreement; and,

WHEREAS, said extension is requested due to a majority of the remaining unimproved and unsold, where damage could occur to the street trees and public sidewalks during construction; and,

WHEREAS, City staff and the City Engineer have reviewed the request and feel the extension of deadline will not create a hardship on the community if granted.

THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, Racine County, Wisconsin that Section 2F(3) and Section 2H of the Subdivider's Agreement for The Glen at Stonegate Subdivision dated April 21, 2004 is amended requiring all public sidewalks and street trees be installed by no later than October 31, 2012.

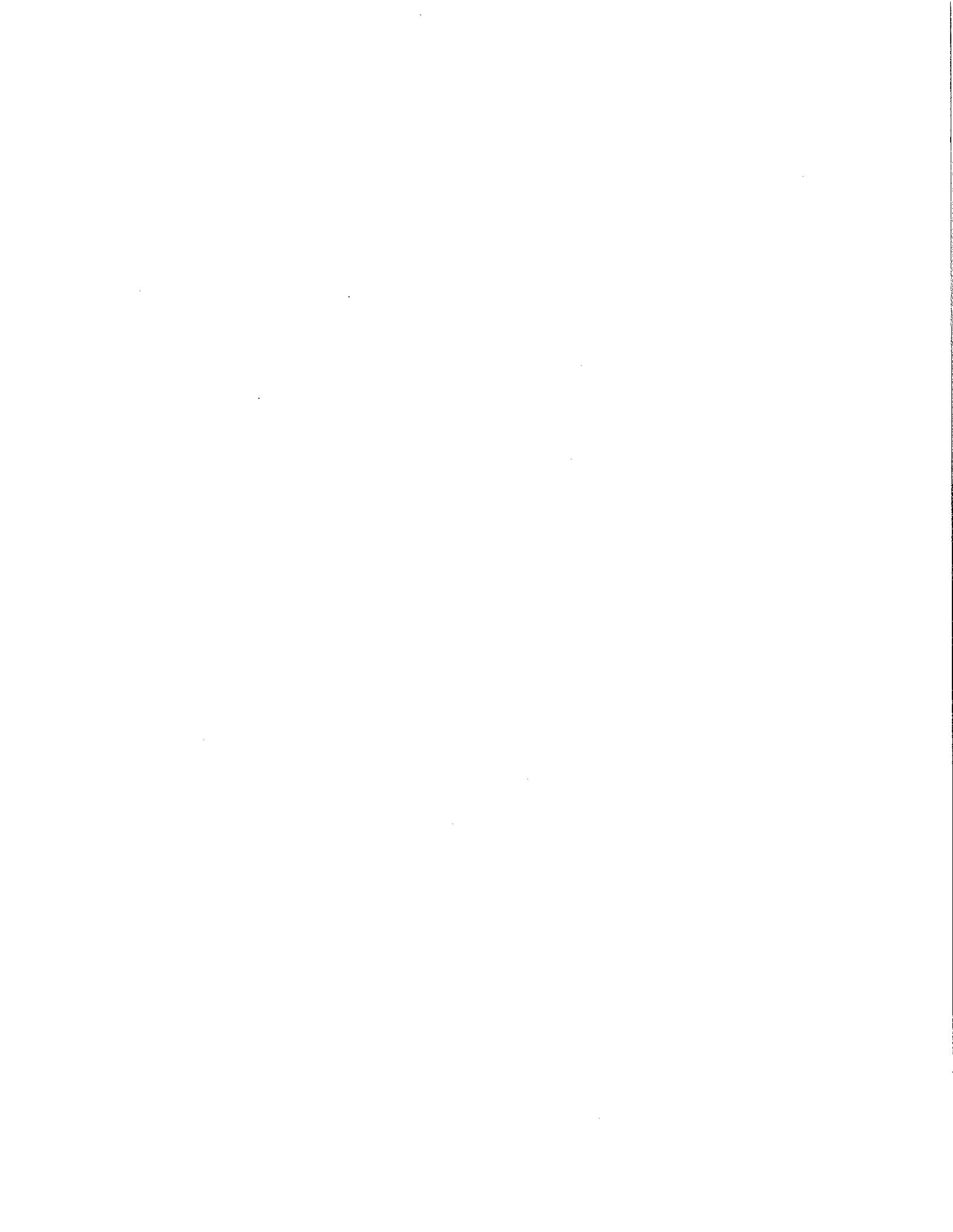
BE IT FURTHER RESOLVED, that all of the terms, conditions and provisions of the Development Agreement dated April 21, 2004 as amended by Amendment Number One dated August 23, 2006 shall remain in full force and effect to the extent those terms, conditions and provisions are not inconsistent with the terms, conditions and provisions of this amendment.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk





BMO Harris Bank, NA
770 North Water Street
Milwaukee, WI 53202
414-298-2910
414-765-7410 Fax
milbank.com

October 28, 2011

Mr. Kevin M. Lahner
City Administrator
City of Burlington
300 North Pine Street
Burlington, WI 53105-1460

RE: Glen at Stonegate, Addition #1 Development Agreement

Dear Mr. Lahner,

Thank you for meeting with Steve Vonderheide and me regarding the extension of the obligations under the developers agreement for The Glen at Stonegate, Addition #1. Since that time, we have closed on four lots and hope to take that sale momentum into the next spring's sales season.

During our meeting, we agreed that we would formally request an extension of the deadline to complete the final lift of asphalt, water main loop and the sidewalk and street tree installation to October 31, 2012. Please consider this our formal request for this extension.

Please contact me to discuss any questions or comments on this matter.

Sincerely,

Steven J. Heder
Assistant Vice President



**A RESOLUTION EXTENDING THE DEADLINE TO COMPLETE CERTAIN IMPROVEMENTS
FOR THE GLEN AT STONEGATE SUBDIVISION ADDITION NUMBER ONE**

WHEREAS, the City of Burlington adopted Resolution No. 4034(22) approving the Subdivider's Agreement and Final Plat for the Glen at Stonegate Subdivision Addition Number One; and,

WHEREAS, said Subdivider's Agreement dated August 23, 2006 requires the installation a final lift by the developer, Stonegate Development Group, LLC on or before October 31, 2008 and the installation of and a water main loop within property proposed for future development of The Glen at Stonegate Addition No. II on or before August 23, 2008; and,

WHEREAS, Stonegate Development Group, LLC has requested to extend the original deadline of October 31, 2008 one year to October 31, 2009 and the deadline of August 23, 2008 year to May 31, 2010 to complete these improvements as required in Section 3.A.(2) and Section 3.D.(2) of said Subdivider's Agreement; and,

WHEREAS, said extension is requested due to a majority of the remaining unimproved and unsold and where damage could occur to the first lift of asphalt during construction as the extension is in the best interest of all parties; and,

WHEREAS, City staff and the City Engineer have reviewed the request and feel the extension of deadline will not create a hardship on the community if granted.

THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, Racine County, Wisconsin that Section 3.A.(2) and Section 3.D.(2) of the Subdivider's Agreement for The Glen at Stonegate Subdivision Addition One, dated August 23, 2006 is amended requiring the final lift to be completed no later than October 31, 2009 and the water main loop be completed no later than May 31, 2010..

BE IT FURTHER RESOLVED, that all of the terms, conditions and provisions of the Development Agreement dated April 21, 2004, as amended by Amendment Number One dated August 23, 2006 shall remain in full force and effect to the extent those terms, conditions and provisions are not inconsistent with the terms, conditions and provisions of this amendment.

Introduced: October 7, 2008
Adopted: October 21, 2008

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

AMENDMENT TO DEVELOPMENT AGREEMENT FOR
FOR THE GLEN AT STONEGATE ADDITION NO. I

This agreement is entered into by and between STONEGATE DEVELOPMENT GROUP, LLC, a Wisconsin limited liability company (the "Developer") and the CITY OF BURLINGTON, a municipal corporation of the State of Wisconsin located in Racine County (the "City").

RECITALS

WHEREAS, on April 21, 2004, the Developer and the City entered into a Development Agreement (the "Development Agreement") providing for the development of The Glen at Stonegate, a subdivision (the "Subdivision"); and

WHEREAS, by the terms of the Development Agreement, the Developer agreed to develop The Glen at Stonegate Subdivision and to request amendments to the Development Agreement for future phases of development; and

WHEREAS, pursuant to the terms and conditions of the Development Agreement, the Developer has proceeded to perform its obligations under and pursuant thereto, including the commencement of development of the Property; and

WHEREAS, the Planning Commission of the City has recommended approval of the Final Plat of The Glen at Stonegate Addition No. I for the second phase of development on the portion of the Property described on Exhibit A to this Agreement; and

WHEREAS, the Common Council has approved the Final Plat for The Glen at Stonegate Addition No. I on the condition that the Developer enter into this first amendment to Development Agreement with the City relative to the manner and method by which the Property is to be developed; and

WHEREAS, the Developer agrees to develop the Property as herein described and to request amendments to the Development Agreement for any future phases of development.

AGREEMENTS

1. Amendment of Existing Development Agreement. This agreement constitutes the first amendment to the Development Agreement between the City and the Developer dated April

21, 2004. All of the terms, conditions and provisions of the Development Agreement are incorporated herein by reference and shall remain in full force and effect to the extent those terms, conditions and provisions are not inconsistent with the terms, conditions and provisions of this agreement. In the event of an inconsistency between the terms, conditions and provisions of the Development Agreement and this amending agreement, the terms, conditions and provisions of this amending agreement shall control.

2. General. All of the terms and conditions of Section I of the Development Agreement pertaining to plans, code compliance, existing flora, archive recording documents, utility alignment, improvement standards and building and occupancy permits will continue to apply to the continued development of the Property. In addition thereto, the following provisions apply:

A. Required Plans. The Developer has presented to the City its Final Plat for The Glen at Stonegate Addition No. I and other documentation including, but not limited to, improvement plans for The Glen at Stonegate Addition No. I prepared by Bonestroo, Rosene, Anderlik & Associates dated August 17, 2006 (the "Plan Set"), all of which have been initialed by representatives of the Developer and the City this date and which are incorporated herein by reference for the proposed development of The Glen at Stonegate Addition No. I. All references in this agreement to various plans or plan requirements shall refer to the Plan Set.

B. Building and Occupancy Permits. All of the terms and provisions of the initial Development Agreement dated April 21, 2004, shall apply to The Glen at Stonegate Addition No. I as if it was a separate subdivision.

3. Required Improvements.

A. Street Improvements. The Developer hereby agrees that street and right-of-way improvements within The Glen at Stonegate Addition No. I will be made as follows:

(1) All street, base, curb and gutter and a first lift of asphaltic concrete pavement will be placed on the streets no later than June 1, 2007.

* (2) The final lift of asphaltic concrete will be placed on the streets no later than October 31, 2008.

(3) Required street trees for each lot will be installed prior to issuance of the occupancy permit but not later than October 31, 2010.

B. Termination of Temporary Turnaround Easements. Temporary turnaround easements affecting Stonegate Road and Ravenswood Road, as recorded on the Final Plat

for The Glen at Stonegate in the office of the Register of Deeds of Racine County, Wisconsin, shall terminate upon extension of Stonegate Road and Ravenswood Road into The Glen at Stonegate Addition No. I. The Developer shall have the obligation to complete the following:

(1) Remove all street improvements situated within the temporary turnaround easement area.

(2) Install and reconstruct curb, gutter and other street improvements pursuant to City of Burlington Municipal Codes to the extent of the Lot boundaries.

(3) Extend and install public sidewalks pursuant to Municipal Codes to the Lot boundaries.

C. Sanitary Sewer Improvements. The Developer hereby agrees that the construction of sanitary sewers within The Glen at Stonegate Addition No. I will be completed in accordance with approved plans and specifications and accepted by the Common Council no later than June 1, 2007. Building permits and occupancy permits may be issued prior to acceptance and dedication subject to the provisions of the Development Agreement for model home construction.

D. Water Improvements. The Developer hereby agrees that the construction of the system of water distribution will be completed in accordance with approved plans and specifications and accepted by the Common Council no later than June 1, 2007. Building permits and occupancy permits may be issued prior to acceptance and dedication subject to the provisions of the Development Agreement for model home construction.

(1) The Developer shall construct a loop in the water distribution system from The Glen at Stonegate Addition No. I to connect with the water distribution system at the Teut Road right-of-way pursuant to and in accordance with an easement to the City of Burlington in form and substance satisfactory to the City Attorney through the property proposed for future development as The Glen at Stonegate Addition No. II.

(2) The Developer acknowledges the requirement of the City that the water distribution system be further looped within the property proposed for future development as The Glen at Stonegate Addition No. II. If the Developer fails to commence construction of that additional loop to the water system improvements in The Glen at Stonegate Addition No. II within two (2) years from the date of this Agreement, or in the event the Developer fails to complete said water system improvements within three (3) years from the date of this Agreement, the Developer will grant to the City an easement for construction and

maintenance of water system improvements over and across those portions of the property proposed for development as The Glen at Stonegate Addition No. II as the City directs.

(3) The irrevocable letter of credit to be deposited by the Developer with the City assuring the faithful performance of the Developer's obligations under this Agreement shall be in an amount equal to 115 percent of the City Engineer's estimate of the total cost of installation of public construction, including the water distribution system improvements set forth in subparagraphs (1) and (2) above.

E. Storm Sewer Improvements. The Developer hereby agrees that the construction of the storm sewer and other facilities for storm and surface water drainage within The Glen at Stonegate Addition No. I will be completed in accordance with approved plans and specifications and accepted by the Common Council no later than June 1, 2007. No building permits or occupancy permits shall be issued until such facilities have been approved by the City (except for model homes allowed by agreement). Building permits and occupancy permits may be issued prior to acceptance and dedication subject to the provisions of the Development Agreement.

F. Sidewalk Improvements. The Developer hereby agrees to install public sidewalks shown on the approved Plan Set for each parcel or lot prior to issuance of an occupancy permit subject to the terms of the Development Agreement and as required by City ordinance; provided that all sidewalks within The Glen at Stonegate Addition No. I shall be installed prior to October 31, 2010.

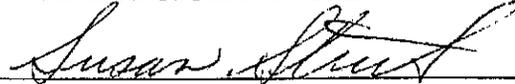
4. Other Utilities. The Developer shall be responsible for and cause electrical power, telephone facilities, cable television facilities and natural gas facilities to be installed within The Glen at Stonegate Addition No. I not later than October 31, 2007, in such a manner as to make proper and adequate service available to each building and dwelling unit in the Development.

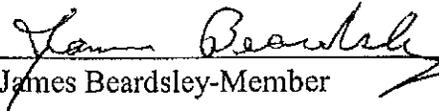
5. Temporary Turnaround Easement. A temporary turnaround easement affecting Lot 40 on the Final Plat for The Glen at Stonegate Addition No. I and Lots 50, 51 and 52 on the Preliminary Plat for The Glen at Stonegate Addition No. I and No. II is granted for the purpose of the public and may be improved for road right-of-way purposes. Said temporary turnaround easement shall terminate upon the approval of the Final Plat for The Glen at Stonegate Addition No. II and the extension of Ravenswood Road as proposed on the Preliminary Plat. At the time of such extension, all easement rights to the temporary turnaround easement shall terminate and the Developer shall have the obligation to remove all road improvements situated within the boundaries of Lot 40 as shown on said Final Plat and Lots 50, 51 and 52 as shown on said Preliminary Plat. Curb, gutter and all other street improvements will be installed pursuant to the Amendment to the Development Agreement for The Glen at Stonegate Addition No. II.

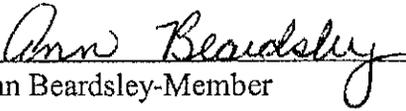
IN WITNESS WHEREOF, the parties have caused this agreement to be executed this 23rd day of August, 2006.

STONEGATE DEVELOPMENT GROUP, LLC

By: 
Richard C. Strieter-Member

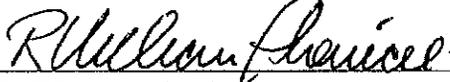
By: 
Susan Strieter-Member

By: 
James Beardsley-Member

By: 
Ann Beardsley-Member

State of Wisconsin)
) ss.
Racine County)

Personally came before me this 23rd day of August, 2006, the above named Richard C. Strieter, Susan Strieter, James Beardsley and Ann Beardsley, to me known to be such persons and members who executed the foregoing instrument and acknowledge that they executed the same as the authorized members on behalf of the Developer, by its authority.


R. William Phenicie
Notary Public, State of Wisconsin
My commission is permanent

CITY OF BURLINGTON, a Municipal
Corporation of the State of Wisconsin

Dated: August 23, 2006

By: *Claude Lois*
Claude Lois-Mayor

By: *Beverly R. Gill*
Beverly R. Gill-City Clerk

State of Wisconsin)
) ss.
County of Racine)

Personally came before me this 23rd day of August, 2006, the above named Mayor and City Clerk, respectively, of the City of Burlington and acknowledged that they executed the foregoing instrument as the agreement of the City of Burlington by its authority.

R. William Phenicie
R. William Phenicie
Notary Public, State of Wisconsin
My commission is permanent

APPROVED:

Thomas C. Kircher
Thomas C. Kircher-City Attorney

This instrument drafted by
R. William Phenicie
Attorney at Law
00095409.WPD

EXHIBIT A

The Glen At Stonegate Addition No. 1, being all of Outlots 2, 3, and 4 of The Glen At Stonegate Subdivision located in the Northeast 1/4 of Section 21, Township 3 North, Range 19 East, and unplatted lands being that part of the Southwest 1/4, and Northwest 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, Racine County, Wisconsin.

Beginning at the West 1/4 corner of said Section 22; thence North 01°56'41" West, along the west line of the Northwest 1/4 of said Section, 144.40 feet to the southwest corner of Lot 29 of The Glen at Stonegate Subdivision; thence North 43°25'48" East, along the easterly line of said subdivision, 296.09 feet to the southeast corner of Lot 27 of said subdivision; thence North 46°34'12" West, along said easterly line of said subdivision, 353.10 feet to the Northwest corner of Outlot 4 of said subdivision; thence North 43°25'48" East, along the northwesterly line of said Outlot 4 and its extension, 100.01 feet; thence North 46°34'12" West, along the extension of the southwesterly line of Outlot 3 of said subdivision, 156.98 feet to the northwest corner of said Outlot 3; thence North 43°25'24" East, along the northerly line of said Outlot 3, 107.37 feet to the west line of said Northwest 1/4 Section; thence North 01°56'41" West, along the west line of said 1/4 Section, 92.73 feet to the southeasterly line of Outlot 2 of said subdivision; thence South 43°25'48" West, along said southeasterly line, 15.99 feet to the southwest corner of said Outlot 2; thence North 46°34'12" West, along the southwesterly line of said Outlot 2, 170.67 feet to the Northwest corner of said Outlot 2; thence North 43°02'59" East, along the northwesterly line of said Outlot 2, 21.06 feet; thence North 43°16'15" East, along the northwesterly line of said Outlot 2 and its extension, 218.44 feet; thence North 48°51'35" West, 53.00 feet; thence North 41°24'36" East, 99.50 feet; thence North 48°51'35" West, 44.03 feet; thence North 41°04'56" East, 99.95 feet; thence North 48°51'35" West, 142.88 feet to the west line of said 1/4 Section; thence North 01°56'41" West, along said west line of said 1/4 Section, 46.48 feet to the centerline of Teut Road; thence North 46°43'09" East (recorded as North 46°43'19" East), along said centerline, 84.78 feet (recorded as 79.91 feet); thence North 50°37'49" East (recorded as North 50°38'49" East), along said centerline, 104.80 feet (recorded as 111.67 feet); thence North 52°48'19" East, along said centerline, 120.53 feet; thence South 34°29'05" East, 164.49 feet to a point of curvature; thence, 23.28 feet along the arc of a curve with a radius bearing of South 43°36'28" East, 208.00 feet, a central angle of 06°24'47", and the chord of which bears North 49°35'56" East, 23.27 feet; thence South 37°12'34" East, 294.12 feet; thence South 48°10'13" West, 82.88 feet; thence South 34°54'39" East, 284.41 feet; thence South 52°48'19" West, 45.93 feet; thence South 38°23'51" East, 572.49 feet to the northeasterly right of way line of State Trunk Highway 83 and 36; thence South 51°36'09" West (recorded as South 51°55'30" West), along said northeasterly right of way line, 1138.41 feet to the west line of the Southeast 1/4 of said Section 22; thence North 01°52'37" West, along said west line of Southeast 1/4 Section, 41.67 feet to the Point of Beginning.



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: 13B	Date: March 20, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4533(58) to extend the deadline to install the final lift and water main loop at Stonegate Subdivision Addition 1.

Details:

In 2006, the City entered into a Developer's Agreement with the Stonegate Development Group, LLC for the Glen at Stonegate Subdivision Addition 1. As part of this Agreement, the Developer was required to install the final lift by October 31, 2008 and the water main loop by August 23, 2008. These deadlines were extended in 2008.

Attached is a letter from M&I Bank, owner of the Glen at Stonegate requesting another extension of time to install these public improvements. As not all of the lots are sold and the lift will likely be damaged or destroyed if put in before home construction begins. The owner would also like to extend the deadline to install the water main loop to the Addition 2. M&I is requesting a new deadline of October 31, 2012 to install the final lift and water main loop.

City staff has reviewed this request and feel there would be no hardship to the community if this extension is granted.

Options & Alternatives:

The Council may choose to deny this request and have staff bid out this project using funds remaining in the Letter of Credit to cover costs.

Financial Remarks:

A Letter of Credit remains with the City in the event repairs are not made and staff must complete the remaining improvements.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.

**A RESOLUTION EXTENDING THE DEADLINE TO COMPLETE CERTAIN IMPROVEMENTS
FOR THE GLEN AT STONEGATE SUBDIVISION ADDITION NUMBER ONE**

WHEREAS, the City of Burlington adopted Resolution No. 4034(22) approving the Subdivider's Agreement and Final Plat for the Glen at Stonegate Subdivision Addition Number One; and,

WHEREAS, said Subdivider's Agreement dated August 23, 2006 requires the installation a final lift by the developer, Stonegate Development Group, LLC on or before October 31, 2008 and the installation of and a water main loop within property proposed for future development of The Glen at Stonegate Addition No. II on or before August 23, 2008; and,

WHEREAS, Stonegate Development Group, LLC requested to extend the original deadline of October 31, 2008 one year to October 31, 2009 and the deadline of August 23, 2008 year to May 31, 2010 to complete these improvements as required in Section 3.A.(2) and Section 3.D.(2) of said Subdivider's Agreement with Resolution 4267(37), approved October 21, 2008; and,

WHEREAS, M&I Bank, owner, has requested to extend the deadline of October 31, 2008 and the deadline of May 31, 2010 to October 31, 2012 to complete these improvements as required in Section 3.A.(2) and Section 3.D.(2) of said Subdivider's Agreement with Resolution 4267(37), approved October 21, 2008; and,

WHEREAS, said extension is requested due to a majority of the remaining unimproved and unsold and where damage could occur to the first lift of asphalt during construction as the extension is in the best interest of all parties; and,

WHEREAS, City staff and the City Engineer have reviewed the request and feel the extension of deadline will not create a hardship on the community if granted.

THEREFORE BE IT RESOLVED, by the Common Council of the City of Burlington, Racine County, Wisconsin that Section 3.A.(2) and Section 3.D.(2) of the Subdivider's Agreement for The Glen at Stonegate Subdivision Addition One, dated August 23, 2006 is amended requiring the final lift and water main loop to be completed no later than October 31, 2012.

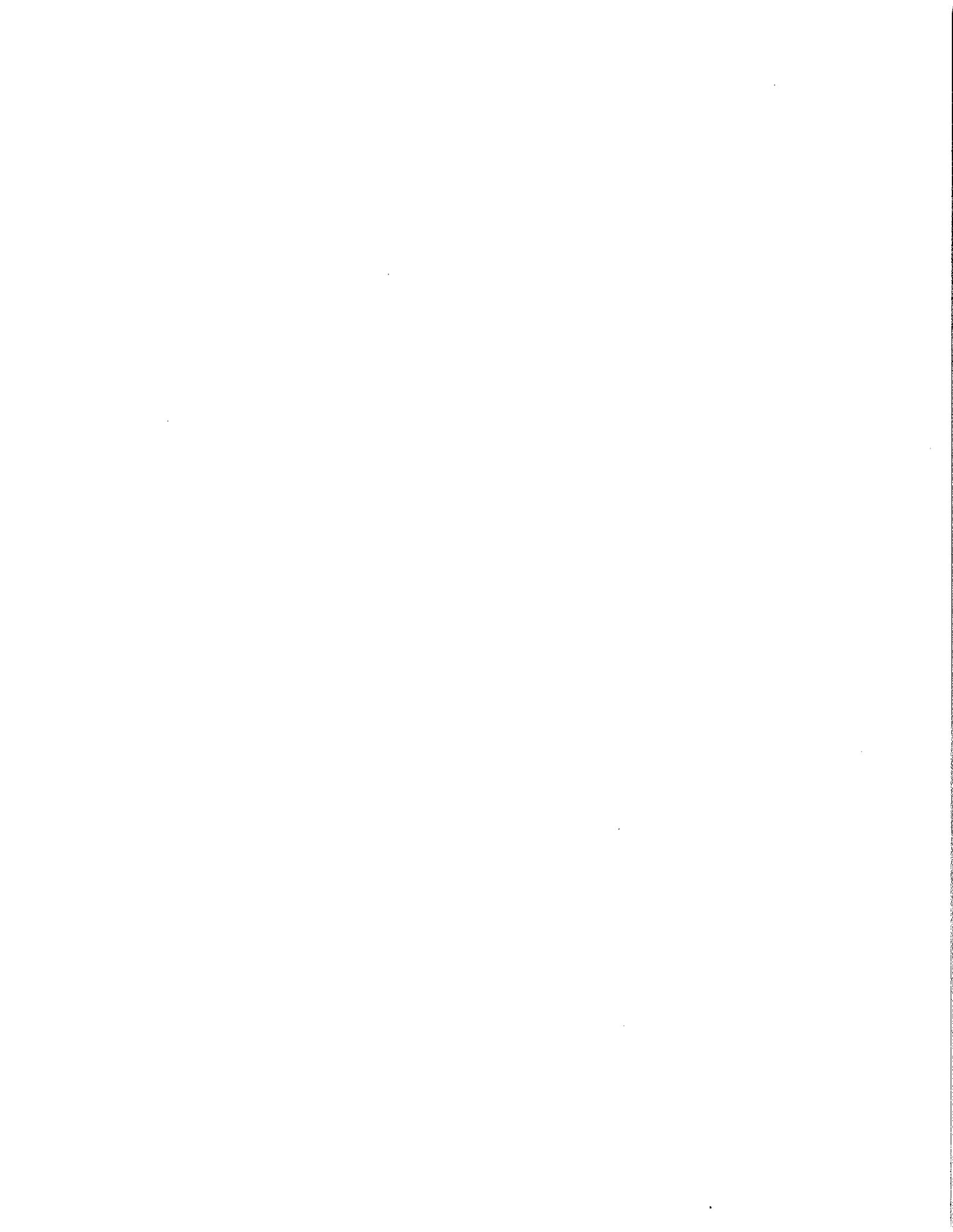
BE IT FURTHER RESOLVED, that all of the terms, conditions and provisions of the Development Agreement dated April 21, 2004, as amended by Amendment Number One dated August 23, 2006 shall remain in full force and effect to the extent those terms, conditions and provisions are not inconsistent with the terms, conditions and provisions of this amendment.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk





BMO Harris Bank, NA
770 North Water Street
Milwaukee, WI 53202
414-298-2910
414-785-7410 Fax
mlbank.com

October 28, 2011

Mr. Kevin M. Lahner
City Administrator
City of Burlington
300 North Pine Street
Burlington, WI 53105-1460

RE: Glen at Stonegate, Addition #1 Development Agreement

Dear Mr. Lahner,

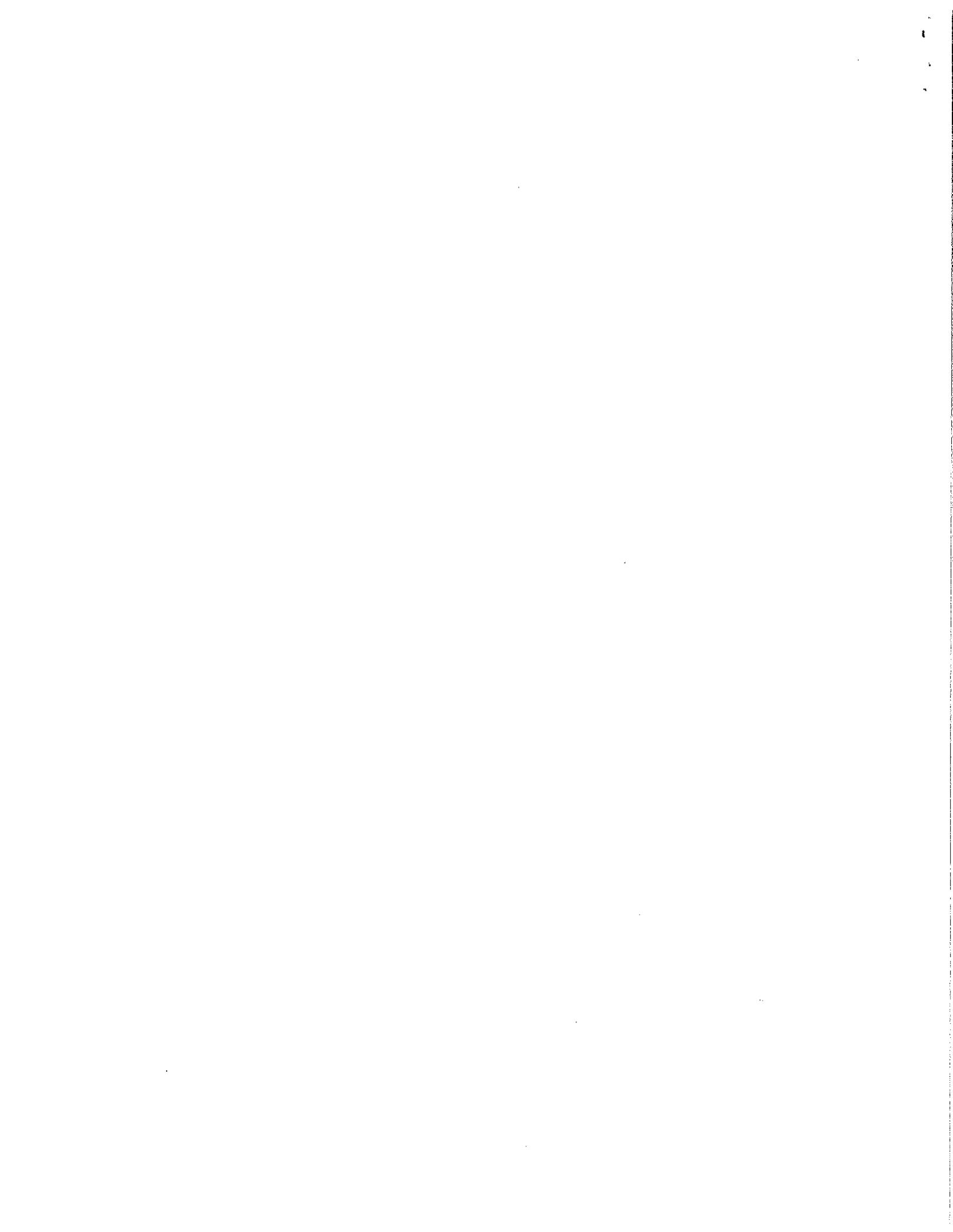
Thank you for meeting with Steve Vonderheide and me regarding the extension of the obligations under the developers agreement for The Glen at Stonegate, Addition #1. Since that time, we have closed on four lots and hope to take that sale momentum into the next spring's sales season.

During our meeting, we agreed that we would formally request an extension of the deadline to complete the final lift of asphalt, water main loop and the sidewalk and street tree installation to October 31, 2012. Please consider this our formal request for this extension.

Please contact me to discuss any questions or comments on this matter.

Sincerely,

Steven J. Heder
Assistant Vice President





CITY OF BURLINGTON

Department of Public Works

Street & Park Department
2200 S. Pine St. Burlington, WI, 53105
(262) 539-3770– (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13C	Date: March 20, 2012
Submitted By: Dan Jensen, DPW Supervisor	Subject: Resolution 4535(60) to consider the final resolution to declare intent to exercise Special Assessment powers for reconstruction of sidewalks at various locations.

Details:

This resolution is the final step in the special assessment process for sidewalk reconstruction and/or replacement associated with the 2012 Sidewalk Improvement Project.

Consistent with past practices of the City, the proposed assessments may be paid in cash or in three annual installments with an interest rate of 4.0%, payable to the Treasurer. The City Clerk will mail a copy of the resolution to each property owner, as well as publish an Installment Notice when the contract is set. A public hearing will be held in front of the Council on March 20, 2012.

Staff recommends that the City Council approve this final intent to exercise Special Assessments for the reconstruction of certain sidewalks as listed in Resolution No. 4535(60).

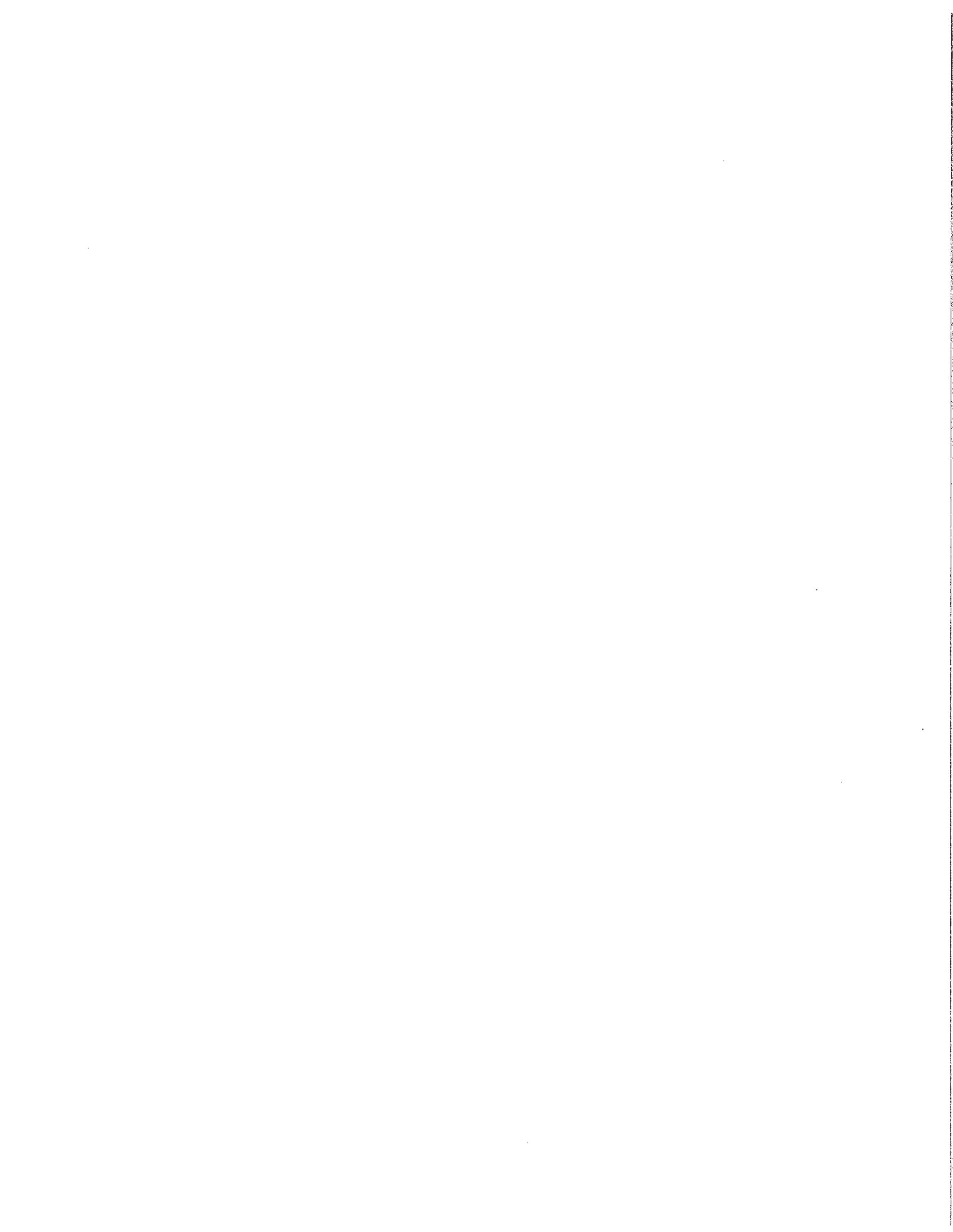
Options & Alternatives: The Common Council could decide to do no sidewalk repairs this year.

Financial Remarks:

This work was planned and accounted for within the 2012 DPW Streets Budget.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and scheduled for the March 20, 2012 Common Council meeting for consideration.



A FINAL RESOLUTION EXERCISING ASSESSMENT POWER REGARDING THE 2012 SIDEWALK RECONSTRUCTION PROJECT, AT VARIOUS LOCATIONS.

WHEREAS, the Common Council of the City of Burlington, Racine County, Wisconsin, have had plans and specifications prepared for the reconstruction of certain sidewalks in the area described in the Report mentioned below and which is on file with the City Clerk, such area is located in the City of Burlington, as follows:

100 block of Beth Ct.
700 block of Chicory Rd.
100 block of Duane St.
100 block of N. Elmwood Ave.
200 block of Gardner Ave.
400-500 block of Hawthorn St.
100 block of E. Jefferson St.
300 block of Kendall St.

WHEREAS, the Common Council intends to award a contract for such sidewalk reconstruction project to the lowest responsible bidder for such project; and

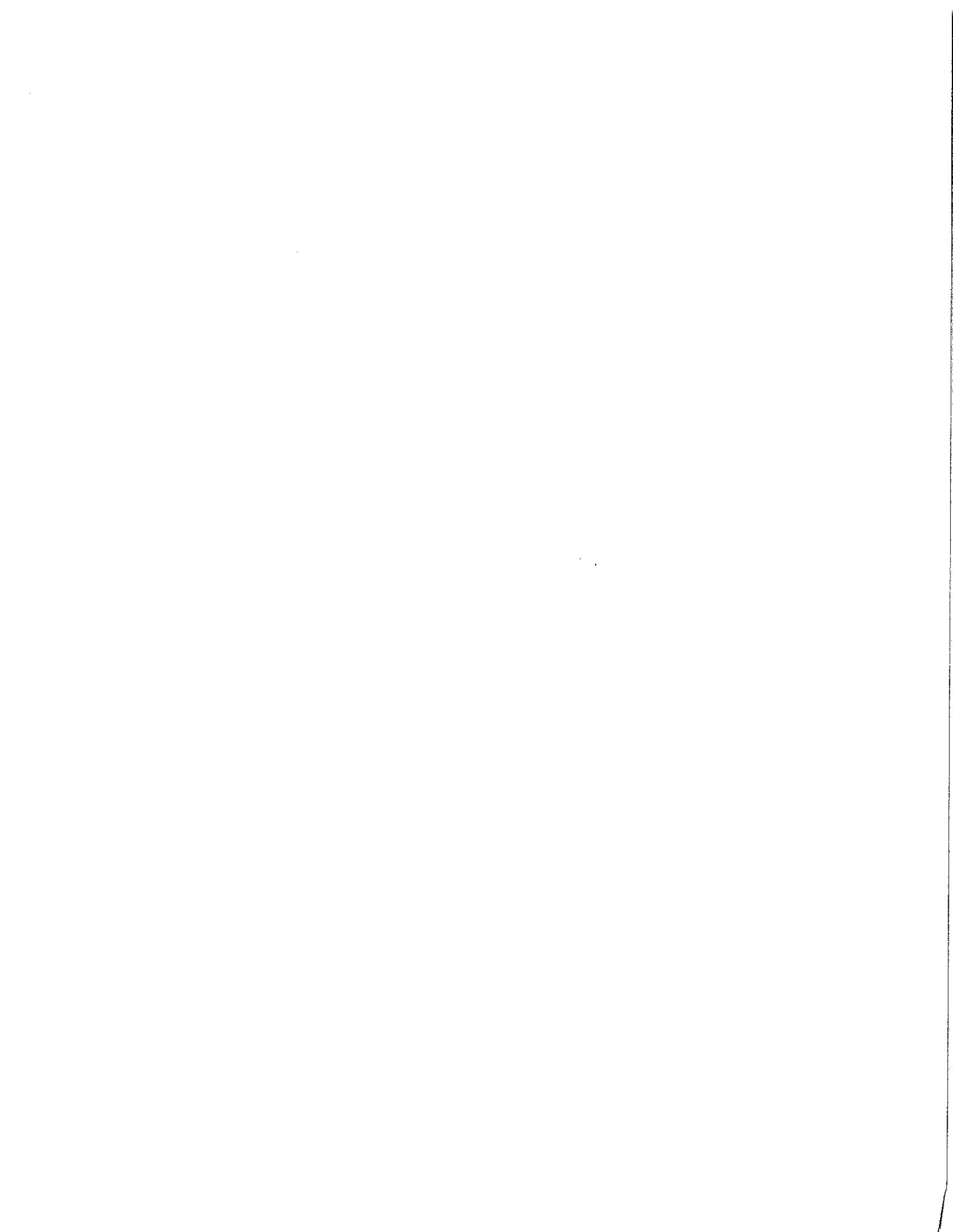
WHEREAS, the Common Council intends to pay for the cost of such reconstruction project by levying special assessments, in an exercise of its police power, pursuant to the terms and provisions of Section 66.0703 of the Wisconsin Statutes, and the Common Council expressly declared this in a Preliminary Resolution adopted February 21, 2012, all as required by such Statute; and

WHEREAS, as further required by Section 66.0703 of the Wisconsin Statutes, a Report has been prepared and duly filed with the City Clerk regarding such project and proposed special assessments, written notice of the same having been properly and timely mailed to all interested parties, as required by law; and

WHEREAS, as further required by Section 66.0703 of the Wisconsin Statutes, a public hearing was held on March 20, 2012, regarding the said project, the Report and proposed special assessments, at which hearing persons appeared and voiced their questions and objections to the same;

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Report on file with the City Clerk regarding said 2012 Sidewalk Reconstruction project, including the plans and specifications therefore, is hereby amended to be in conformity with any final amendments made to the same by the Common Council of the City of Burlington (if any), and as so modified, such Report is hereby adopted and finally approved; and
2. That said sidewalk reconstruction project shall be implemented and conducted in accordance with the said Report and related plans and specifications; and
3. The cost of such sidewalk reconstruction project shall be paid by the levying of special assessments,



in an exercise of the police power of the City of Burlington Common Council, pursuant to Section 66.0703 of the Wisconsin Statutes, and that such special assessments be levied in the amounts and in the manner specified in the said Report referred to above (payment for said improvements is to be made by assessing 50% of the total cost to the property benefitted), such special assessments being determined on a reasonable basis and all of the assessed properties being benefitted by the said project; and,

4. That the assessments may be paid in cash or in three installments to the Treasurer, installment payments to bear an interest rate of Four percent (4.0%) per annum on the unpaid balance from the date of the publication of the Installment Notice; and,

5. That the City Clerk is directed to publish this Final Resolution as a Class I notice in the official paper; and the City Clerk is further directed to mail a copy of this Final Resolution to all interested parties whose post office address is known or can be ascertained with reasonable diligence. Additionally, to the extent provided for by law, the City Clerk is further directed to publish an Installment Notice regarding the said special assessments.

Introduced: March 6, 2012

Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Department of Public Works
Streets, Parks and Water & Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13D	Date: March 20, 2012
Submitted By: Dan Jensen, Department of Public Works Supervisor	Subject: Resolution 4536(61) to consider approving the award to purchase one (1) 2012 Vehicle from Ewald in the amount of \$18,729.

Details:

The 2012 Public Works budget includes the purchase of 2012 Chevrolet Colorado Pick up Truck. The new vehicle will replace a 1992 Chevy ¾ Ton Pick Up Truck and a 1991 GMC ¾ Ton Pick Up Truck. The City opened the bidding process for the truck on February 17, 2012. Three (3) bids were received in response to specifications developed by the Department of Public Works.

Lynch Truck Center: \$19,553.40 (Chevy Colorado)
Ewald: \$18,729 (Chevy Colorado)
Palmen Motors: \$19,250 (GMC)

All are additional for license and registration fees. Please also note that the smaller Colorado truck is more fuel efficient than the two ¾-ton pick up trucks. We will still have enough large trucks in our fleet.

I recommend that the Council award the bid to Ewald for a cost not-to-exceed \$18,729 (Plus license and registration fees).

Options & Alternatives:

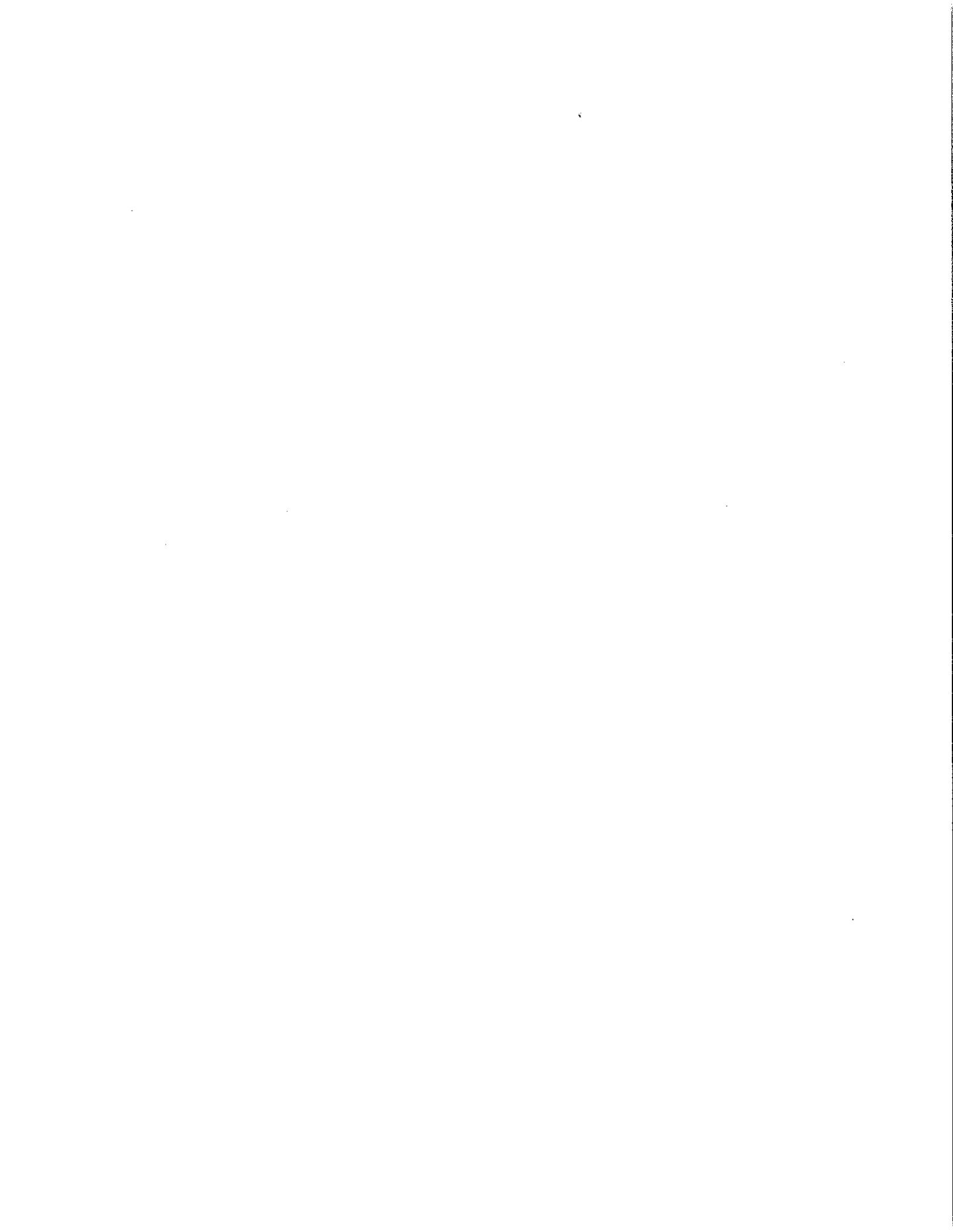
An alternative would be not to replace the service vehicle, however there would be expensive and major vehicle repair work needed.

Financial Remarks:

The service truck was included in the 2012 Public Works Budget for \$28,000 and is \$9,271 under the budgeted amount.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.



A RESOLUTION APPROVING THE AWARD OF THE BID FOR A 2012 CHEVROLET COLORADO, TO EWALD FOR THE NOT-TO-EXCEED AMOUNT OF \$18,729

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

WHEREAS, the Purchasing Policy requires that all non-construction contracts exceeding \$15,000 are to be reviewed and approved by the Common Council; and,

WHEREAS, the City has a need for a new 2012 Chevrolet Colorado Pick Up Truck with funds budgeted in the 2012 Annual City Budget; and,

WHEREAS, the City of Burlington delivered bid packets to various dealers in Southeastern Wisconsin and Northern Illinois; and,

WHEREAS, the bids were received by the City which were opened and reviewed by City staff on Thursday, February 17, 2012; and,

WHEREAS, the Department of Public Works Supervisor does recommend acceptance of the bid from Ewald for the not-to-exceed price of \$18,729, plus license and registration fees if applicable.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the bid for a 2012 Chevrolet Colorado, with the not to exceed cost of \$18,729, plus license and registration fees, be awarded to Ewald.

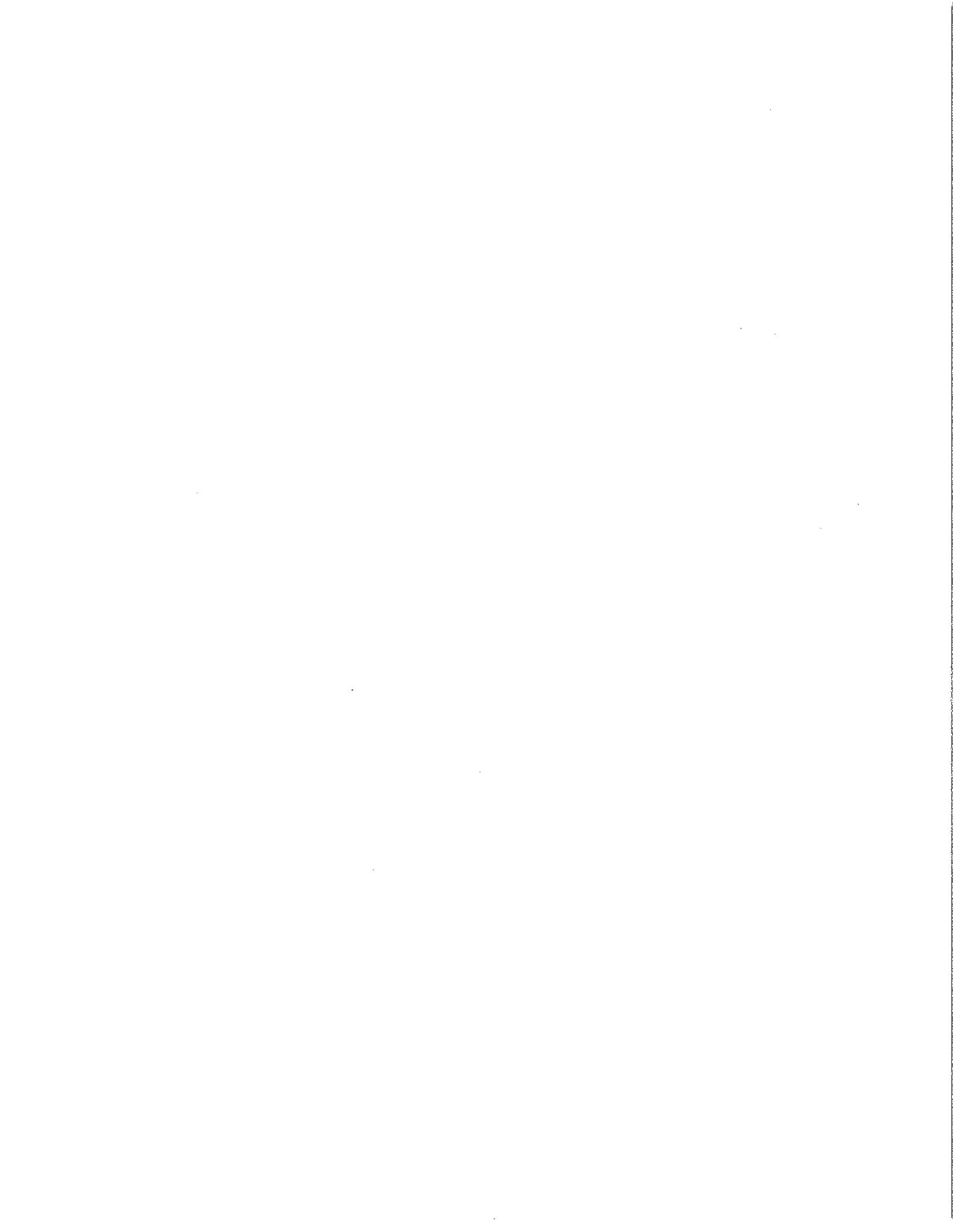
Introduced: March 6, 2012

Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY of BURLINGTON

Department of Public Works

• Bid Tabulation •

VEHICLES

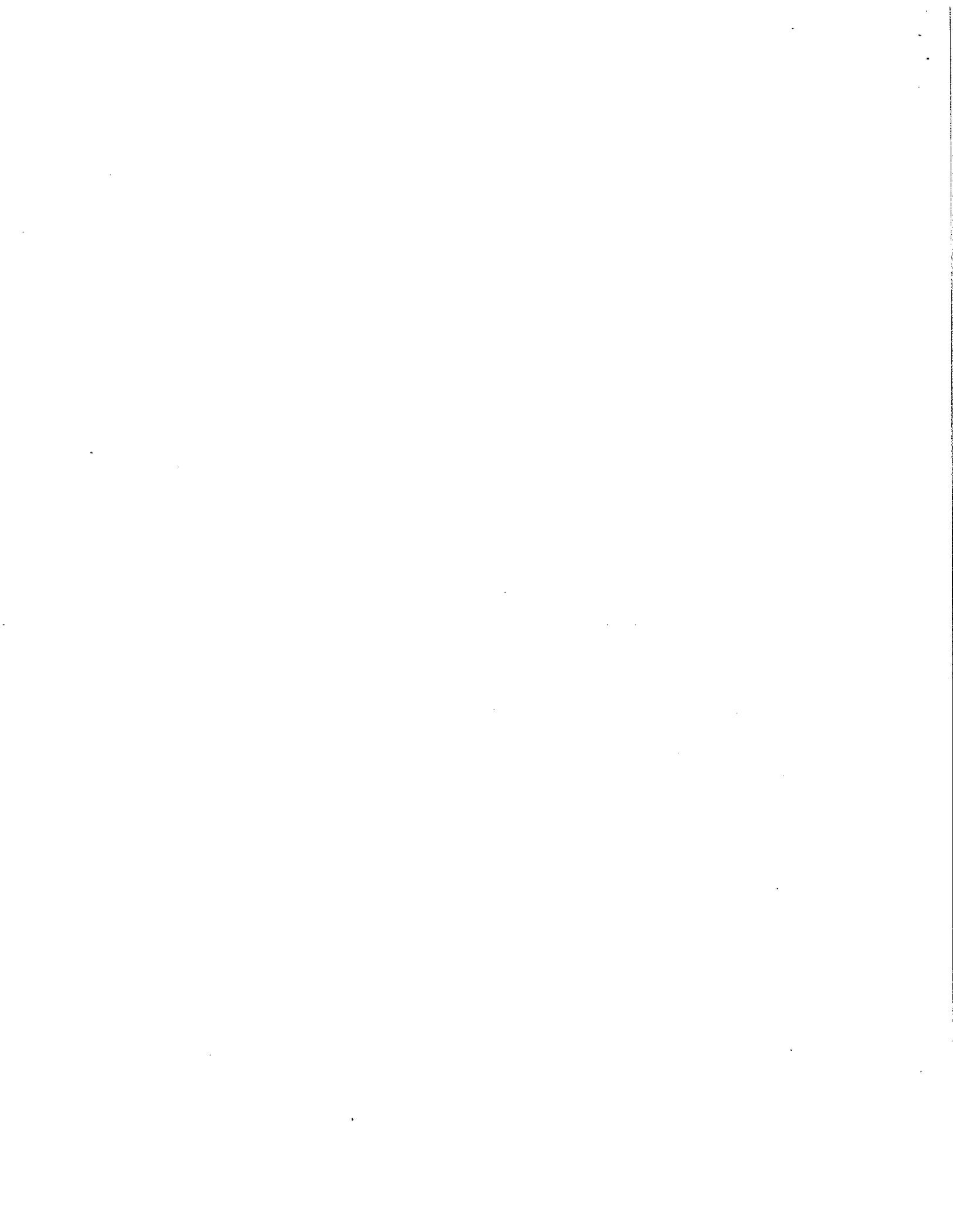
Bid Opening: February 17, 2012 9:30 AM

Pick up truck -

2/17/2012 9:40AM

Item	Bidder No. 1	Bidder No. 2	Bidder No. 3	Bidder No. 4	Bidder No. 5	Bidder No. 6	Bidder No. 7
	Lynch	Ewald	Palmen				
	Truck	Cherry	Motors				
	Center						
Total Base Bid:	\$19,553.40	\$19,404.00	\$19,250.00				
	plus fees						

Opened By: Christopher Keefer
 Deb Rintamaki



Prepared For:
City of Burlington
2200 South Pine Street
Burlington, WI 53105
Phone: (262) 539-3770

Prepared By:
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Phone: (262) 567-5555
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Email: cgensch@ewaldauto.com

2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

QUOTE WORKSHEET

QUOTE WORKSHEET - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

MSRP	\$20,980.00
Destination Charge	\$810.00
Optional Equipment	\$2,930.00
Dealer Advertising	\$0.00
PRE-TAX ADJUSTMENTS:	
STATE OF WISCONSIN MUNICIPAL DISCOUNT	(\$5,316.00)
Total Pre-Tax Adjustments	(\$5,316.00)
Taxable Price	\$19,404.00
TOTAL	\$19,404.00

Customer Signature / Date

C. Gensch 2/15/12
Dealer Signature / Date

2012 Chevrolet 4WD Regular Cab Colorado to the specifications as detailed. Registration fees are not included. Payment terms are net 10 days.

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

February 15, 2012 4:26:24 PM

Page 1

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

ENTERTAINMENT

- Audio system, AM/FM stereo with seek-and-scan and digital clock (Included and only available with (Y5D) Crew Cab Value Option Package)
- Bluetooth for Phone, personal cell phone connectivity to vehicle audio system (Deleted when (UE0) OnStar delete is ordered.)
- Audio system feature, uplevel speaker system

EXTERIOR

- Wheels, 4-16" x 6" (40.6 cm x 15.2 cm) steel (4x4 models only)
- Tires, P235/75R16 all-season, blackwall (4x4 models only.)
- Tire, compact spare
- Bumpers front body-color upper with Dark Gray lower, rear step-style body-color with a Dark Smoke Gray pad
- Air dam, Ebony
- Grille, color-keyed bar and grille surround
- Fog lamps, front, halogen
- Mirrors, outside manual, manual-folding
- Wipers, front intermittent with washers
- Bedliner
- Tailgate, 2-position

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

INTERIOR

- Seats, front 60/40 split-bench
- Floor covering, Ebony-carpeting
- Floor mats, rubberized-vinyl front (Requires (B30) Ebony carpeted floor covering)
- Steering wheel, leather-wrapped
- Steering column, Tilt-Wheel
- Theft-deterrent system, vehicle, PASSlock
- Stolen Vehicle Assistance (Deleted when (UE0) OnStar delete is ordered.)
- Instrumentation, analog with speedometer, odometer with trip odometer, fuel level, engine temperature, tachometer and Driver Information Center
- Warning tones headlamp on, key-in-ignition, driver safety belt unfasten and turn signal on
- Door locks, manual
- Windows, manual driver and front passenger
- Cruise control
- OnStar Turn-by-Turn Navigation (Deleted when (UE0) OnStar delete is ordered.)
- Air conditioning, single-zone manual
- Power outlets, 2 auxiliary with covers, 12-volt
- Accents, interior Titanium Nova Silver-colored air outlets and center control stack with chrome door handle bezels, uplevel instrument cluster bezel, front upper door speaker bezel and air vent sliders
- Door trim integral armrests and driver- and front passenger-side map pockets with cloth inserts
- Mirror, inside rearview manual day/night
- Visors, driver and front passenger, padded with cloth includes front passenger vanity mirror
- Assist handle, front passenger
- Coat hook, passenger-side rear

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

MECHANICAL

- Engine, 2.9L DOHC 4-cylinder SFI (185 hp [137.9 kW] @ 5600 rpm), 190 lb-ft [263.2 Nm] @ 2800 rpm) (Refer to the Engine and Axle section for compatibility requirements. Must specify.)
- Transmission, 5-speed manual with overdrive (Not available with (LLR) 3.7L DOHC 5-cylinder SFI engine. Refer to the Engine and Axle section for compatibility requirements. Must specify.)
- Rear axle, 3.73 ratio (Refer to the Engine and Axle section for compatibility requirements. Must specify.)
- GVWR, 5150 lbs. (2336 kg) (4x4 models only. Refer to the Engine and Axle section for compatibility requirements. Must specify)
- Transfer case, Insta-Trac, electronic shift with dash-mounted controls (4x4 models only.)
- Four wheel drive
- Battery, heavy-duty 590 cold-cranking amps, maintenance-free with rundown protection
- Alternator, 125 amps
- Pickup box, Fleetside, all-welded steel with double wall construction and corrosion protection with 4 cargo tie-downs
- Recovery hooks, 2 front, frame-mounted (4x4 models only)
- Suspension Package, Heavy-Duty
- Suspension, front, torsion bar and stabilizer bar (4X4 models only)
- Suspension, rear semi-floating axle with 2-stage multi-leaf springs
- Front underbody shield (4x4 models only)
- Steering, power, rack-and-pinion
- Brakes, 4-wheel antilock, front disc/rear drum

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

STANDARD EQUIPMENT

STANDARD EQUIPMENT - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

SAFETY

- StabiliTrak, stability control system with Traction Control
- Daytime Running Lamps with automatic exterior lamp control
- Air bags, frontal, driver and right-front passenger with Passenger Sensing System (A note about child safety: Always use safety belts and the correct child restraint for your child's age and size. Even with air bags and the Passenger Sensing System, children are safer when properly secured in a rear seat in the appropriate infant, child or booster seat. Never place a rear-facing infant restraint in the front seat of any vehicle equipped with an active frontal air bag. See your vehicle Owner's Handbook for more information.)
- Air bags, head curtain side-impact, driver and right-front passenger, first and second row outboard passengers (Head Curtain Side Air Bags are designed to help reduce the risk of head and neck injuries to front and rear seat occupants on the near side of certain side-impact collisions. Always use safety belts and the correct child restraint for your child's age and size, even with air bags. Children are safer when properly secured in a rear seat in the appropriate infant, child or booster seat. See the Owner's Manual for more safety information.)
- Automatic Crash Response (Deleted when (UE0) OnStar delete is ordered.)
- OnStar, 6 months of Directions and Connections plan includes Automatic Crash Response, Emergency Services, Crisis Assist, Stolen Vehicle Assistance, Remote Door Unlock, Turn-by-Turn Navigation with OnStar eNav (where available), OnStar Vehicle Diagnostics, Roadside Assistance, Remote Horn and Lights, and Hands Free Calling (Visit onstar.com for details and system limitations.)
- Safety belts, 3-point, driver and right-front passenger, adjustable (center front position lap belt with bench seat only)
- Tire Pressure Monitor

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

SELECTED MODEL & OPTIONS

SELECTED MODEL - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
CT15403	2012 Chevrolet Colorado 4WD Reg Cab Work Truck	\$20,980.00

SELECTED VEHICLE COLORS - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

<u>Code</u>	<u>Description</u>
-	Interior: Ebony
-	Exterior 1: Special Paint
-	Exterior 2: No color has been selected.

SELECTED OPTIONS - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
EMISSIONS		
FE9	EMISSIONS, FEDERAL REQUIREMENTS	\$0.00
ENGINE		
LLV	ENGINE, 2.9L DOHC 4-CYLINDER SFI (185 hp [137.9 kW] @ 5600 rpm), 190 lb-ft [263.2 Nm] @ 2800 rpm) (STD) (Refer to the Engine and Axle section for compatibility requirements. Must specify.)	\$0.00
TRANSMISSION		
M30	TRANSMISSION, 4-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED WITH OVERDRIVE (Refer to the Engine and Axle section for compatibility requirements. Must specify.)	\$1,095.00
AXLE		
GT4	REAR AXLE, 3.73 RATIO (Refer to the Engine and Axle section for compatibility requirements. Must specify.)	\$0.00
PREFERRED EQUIPMENT GROUP		
1WT	WORK TRUCK PREFERRED EQUIPMENT GROUP Includes Standard Equipment	\$0.00

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

SELECTED MODEL & OPTIONS

SELECTED OPTIONS - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
SPARE TIRE		
ZNF	TIRE, SPARE P235/75R16 ALL-SEASON, BLACKWALL (4x4 models only. Requires a Fleet or Government order type.)	\$100.00
SEAT TYPE		
AM6	SEATS, FRONT 60/40 SPLIT-BENCH (STD)	\$0.00
SEAT TRIM		
19J	EBONY, DELUXE CLOTH includes manual recliners with integral outboard head restraints	\$0.00
RADIO		
UMR	AUDIO SYSTEM, AM/FM STEREO with seek-and-scan and digital clock (STD) (Included and only available with (Y5D) Crew Cab Value Option Package)	\$0.00
ADDITIONAL EQUIPMENT		
ZQ6	POWER CONVENIENCE PACKAGE with power windows, power door locks with lockout protection, Remote Keyless Entry, (DE6) outside power-adjustable, manual-folding mirrors and (DF5) inside rearview auto-dimming mirror with compass and temperature display (Requires a Fleet or Government Order Type. Not available with (92W) Medium Pewter vinyl interior trim.)	\$675.00
G80	DIFFERENTIAL, AUTOMATIC LOCKING REAR (Requires (M30) 4-speed automatic transmission.)	\$295.00
DE6	MIRRORS, OUTSIDE POWER-ADJUSTABLE, MANUAL-FOLDING, BODY-COLOR (Included and only available with (ZQ6) Power Convenience Package.)	INC
R6G	BEDLINER, DELETE (Requires a Fleet or Government Order Type) *CREDIT*	-\$150.00
DF5	MIRROR, INSIDE REARVIEW AUTO-DIMMING with compass and outside temperature display (Included and only available with (ZQ6) Power Convenience Package.)	INC
UE0	ONSTAR, DELETE (Requires a Fleet or Government Order Type) *CREDIT*	-\$135.00
VQ2	FLEET PROCESSING OPTION *CREDIT*	\$0.00

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2012 Fleet/Non-Retail Chevrolet Colorado 4WD Reg Cab Work Truck CT154

WARRANTY INFORMATION

WARRANTY INFORMATION - 2012 Fleet/Non-Retail CT15403 4WD Reg Cab Work Truck

WARRANTY

Basic:

3 Years/36,000 Miles

Drivetrain:

5 Years/100,000 Miles

Corrosion:

3 Years/36,000 Miles

Rust-Through

6 Years/100,000 Miles

Emissions:

Gas Engine

2 Years/24,000 Miles

Diesel Engine

5 Years/50,000 Miles

Short Term California

3 Years/50,000 Miles

Roadside Assistance:

5 Years/100,000 Miles

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:



Department of Public Works
Streets, Parks and Water & Department
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(262) 539-3770 – (262) 539-3773 fax
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Common Council Item Number: 13E	Date: March 20, 2012
Submitted By: Dan Jensen, Department of Public Works Supervisor	Subject: Resolution 4537(62) to consider approving the award to purchase one (1) aerial truck in the amount of \$199,585.

Details:

The 2012 Public Works budget includes the purchase of a 2013 Aerial Truck. The new vehicle will replace a 1989 Aerial Truck. Due to age, the current aerial truck can no longer be serviced. The City opened the bidding process for the truck on February 17, 2012. Four (4) bids were received in response to specifications developed by the Department of Public Works.

Utility Sales and Service:	\$205,538
Dueco:	\$199,585
Altec	\$196,011 (With Kenworth Chassis)
	\$194,500 (With Freightliner Chassis)
Peterbilt of Northern Illinois	\$ 86,675 (Chassis Only – No Aerial Unit)

All are additional for license and registration fees if applicable.

I recommend that the Council award the bid to Dueco for a cost not-to-exceed \$199,585 (Plus license and registration fees). The reason for selecting the Dueco bid as opposed to the lower bid is serviceability. Dueco's facility is within one hour of Burlington. Any major work on Altec's trucks would have to be performed in Indiana.

Options & Alternatives:

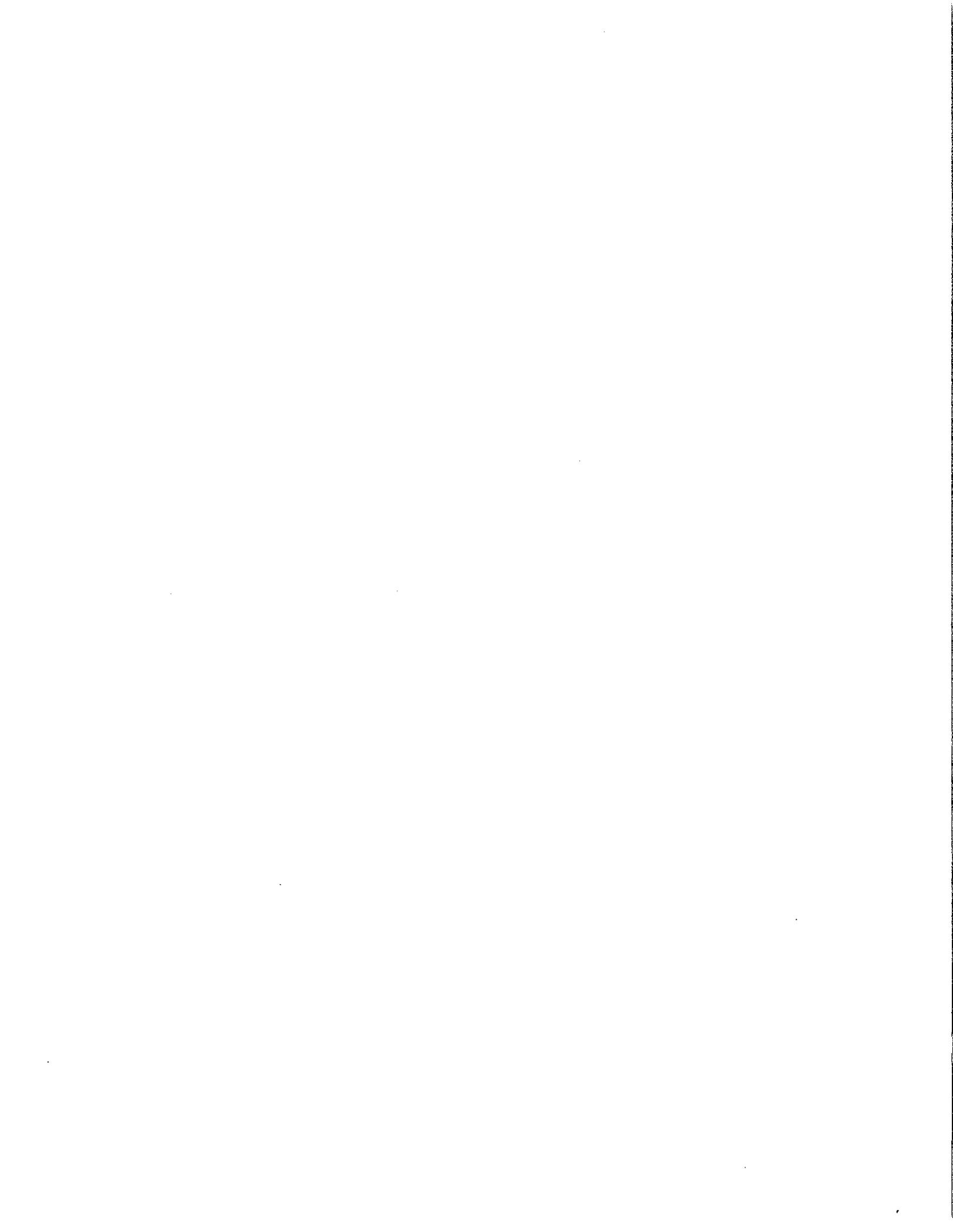
An alternative would be not to replace the service vehicle, however there would be expensive and major vehicle repair work needed. Additionally, the current truck cannot be serviced due to its age.

Financial Remarks:

The Aerial Truck was included in the 2012 Public Works Budget for \$200,000 and is \$415 under the budgeted amounts.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.



**A RESOLUTION APPROVING THE AWARD OF THE BID FOR A 2012 AERIAL TRUCK,
TO DUECO FOR THE NOT-TO-EXCEED AMOUNT OF \$199,585**

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

WHEREAS, the Purchasing Policy requires that all non-construction contracts exceeding \$15,000 are to be reviewed and approved by the Common Council; and,

WHEREAS, the City has a need for a new 2013 Aerial Truck with funds budgeted in the 2012 Annual City Budget; and,

WHEREAS, the City of Burlington delivered bid packets to various dealers in Southeastern Wisconsin and Northern Illinois; and,

WHEREAS, the bids were received by the City which were opened and reviewed by City staff on Thursday, February 17, 2012; and,

WHEREAS, the Department of Public Works Supervisor does recommend acceptance of the bid from Dueco for the not-to-exceed price of \$199,585, plus license and registration fees.

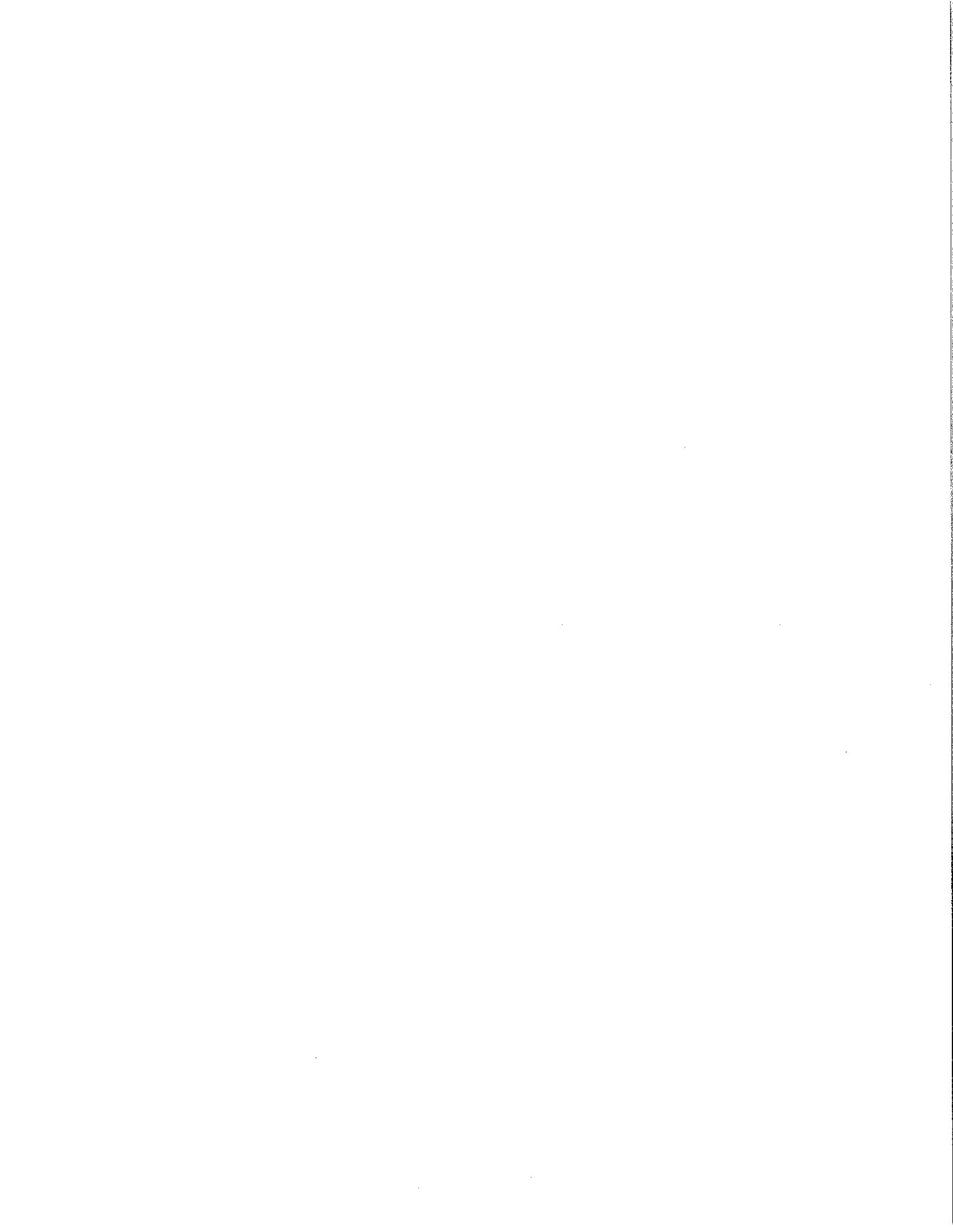
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the bid for a 2013 Aerial Truck, with the not to exceed cost of \$199,585, plus license and registration fees, be awarded to Dueco.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



Lift Truck.

CITY of BURLINGTON

Department of Public Works

• Bid Tabulation •

VEHICLES

Bid Opening: February 17, 2012 9:30 AM

2/17/2012 9:31 AM

Item	Bidder No. 1	Bidder No. 2	Bidder No. 3	Bidder No. 4	Bidder No. 5	Bidder No. 6	Bidder No. 7
	Utility	Dueco	Altec	Peteerbit			
	Sales & Service		Industries	Wadsworth			
Total Base Bid:	\$205,538.	\$198,004.	\$196,011.	\$86,675			
All plus fees & necessary options			\$194,500.	NO body			

Opened by: Christopher Keefer
 Deb Rintamaki



DUECO, Inc.

N4 W22610 Bluemound Road
Waukesha, WI 53186
Phone: 800-558-4004
Fax: 262-544-8410
www.dueco.com

QUOTATION

CUSTOMER: BURLINGTON, CITY OF
ATTENTION: CHRIS KEEFER
ADDRESS: 2200 S PINE ST
BURLINGTON, WI 53105

PHONE: 262-539-3770
FAX:

Quote #: 42369
Quote Date: 2/17/12
Quote Valid Until: 30 Days
TEQ ID#: 20369-1

QUANTITY	DESCRIPTION
----------	-------------

AERIAL DEVICE

1 One (1) new Terex Hi-Ranger HRX55 insulated overcenter aerial device providing a working height of 60.3 ft (18.4 m) and a side reach of 39.4 (12.0 m) ft non-overcenter and 48.3 ft (14.7 m) overcenter.

Design Criteria:

* Design criteria is in accordance with current industry and engineering standards applicable and accepted for structural and hydraulic design.

Upper Controls:

- * "Control-Plus" single stick controller
- * Non-metallic control handle
 - * Dielectrically tested for limited secondary protection between the valve and handle.
 - * May provide limited secondary protection for operator depending on condition and cleanliness.
 - * Not rated for electrical protection, although it may provide limited secondary protection.
 - * Not intended to replace safe work practices or primary protection such as cover-up and personal protection equipment.
- * Enable lever must be actuated before operation.
- * Controls lower boom, upper boom and rotation.

Platform Rotation:

* A platform rotator offering 105 degrees of forward rotation is standard.

Engine Two Speed Throttle Control:

* A two speed engine throttle control is provided at the upper controls. The engine shall advance to a pre-set speed when engaged and decrease when it is disengaged.

Platform Leveling:

* Provided by a leveling system utilizing chains and fiberglass rods contained within the upper boom and cylinders at the lower boom. This system meets dielectric requirements per ANSI/SIA A92.2-2009. Platform leveling control is located at the top controls for ease of personnel rescue and platform debris clean out. Hydraulic platform tilt is also located at the lower and upper controls.

Lower Controls:

* Individual control levers are provided and located in an accessible location on the turntable. The lower controls activate lower boom, upper boom, rotation, and winch control. An upper / lower control selector provides override of platform controls.

QUANTITY	DESCRIPTION
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Lower Boom:

- * Constructed of high strength, rectangular steel tube with a rectangular bi-axial filament wound, high strength fiberglass insert providing an insulation gap of 18 in. The lower boom articulation is from 0 to 110 degrees.
- * The lower boom is supported when stored by a padded boom rest.
- * Lower boom also includes a padded upper boom rest with a cam type tie down strap.

Upper Boom:

*The aerial device upper boom knuckle is constructed of high strength steel with a rectangular bi-axial filament wound tapered fiberglass boom providing 12 ft. of clear insulation. The aerial device upper boom has an overcenter articulation of 194 degrees.

Pivot Points:

* The support areas at the boom-to-turnstile and lower boom-to-upper boom connections are equipped with self-aligning swivel ball bushings for extended life of main pivot pins.

Lower Boom Cylinder:

* Single, threaded end gland design, double acting hydraulic lift cylinder equipped with (2) integral holding valves.

Elbow Cylinder & Linkage Mechanism:

* Single double acting hydraulic elbow cylinder equipped with (2) integral holding valves. Linkage mechanism is of welded steel fabrication utilizing high-strength steel.

Boom Interlock:

* To operate the boom the outriggers must be extended.

Pedestal & Turntable:

* The pedestal is of welded high-strength steel construction and designed with access holes for maintenance of hydraulic plumbing. The pedestal top plate is machined from a single piece of thick plate. The top plate bearing surface is machined after welding to maintain a flat mounting surface for the rotation bearing. The turntable is constructed of steel plates with an offset configuration to provide maximum strength and stability. Steel bottom plate has provisions for attaching outer-race of rotation bearing.

Continuous Unrestricted Rotation:

* A hydraulic rotary manifold provides a rotating oil distribution system for continuous and unrestricted rotation. A minimum 4-channel electric collector ring is also provided. Self-locking worm gear rotation drive is provided and equipped with bi-directional motor. A 7/8 in. hex shaft extension provides manual rotation.

Rotation Bearing:

* The rotation bearing is a heavy duty "shear-ball" bearing with external gear teeth utilizing polished alloy steel balls. Both the inner and outer races are machined from high-strength alloy steel and are heat treated to provide maximum life. High-strength bolts attach the inner and outer races to the pedestal and turntable.

ANSI Rating:

* Aerial device is designed as a Category C machine in accordance with ANSI/SIA A92.2-2009. Aerial device is dielectrically tested and rated for operation up to 46,000 working line voltage per ANSI/SIA A92.2-2009.

Hydraulic System:

- * Full pressure 3000 psi open center hydraulic system. A 35-gallon hydraulic oil reservoir provided with a replaceable cartridge type 10-micron return line filter, a 100-mesh filter screen, baffles, outlet filter screen, clean-out access hole, sight gauge and shut off valve.
- * Hydraulic hoses are equipped with permanent type hose fittings.

QUANTITY	DESCRIPTION
	<p>Miscellaneous:</p> <ul style="list-style-type: none"> * All metallic components of the complete aerial device are prime painted. The fiberglass upper boom, lower boom insert, platforms, and covers are white. * Two complete manuals providing operation and maintenance procedures, and a replacement parts listing. * Warning decals are provided with unit.
1	<p>Pedestal:</p> <ul style="list-style-type: none"> * 32.5 inch pedestal for 62" - 67" cab heights, without cab guard.
1	<p>120 Degree Lower Boom Articulation with Ground Access:</p> <ul style="list-style-type: none"> * In lieu of standard 110 degree. * Increases non-overcenter side reach: HRX55 to 42.9 ft (13.1 m)
1	<p>Platform 24" x 48" x 42":</p> <ul style="list-style-type: none"> * One curbside mounted fiberglass platform. * A rated capacity up to 700 lbs. * Includes one (1) outside step with slip-resistant surface. * Two safety harnesses with lanyards.
1	<p>Platform is located on the curbside for over rear axle mounts and on the streetside for behind cab mounts.</p>
1	<p>Vinyl platform cover for 24" x 48" platform:</p> <ul style="list-style-type: none"> * Black, with white handle, waterproof with external elastic cord around edge.
1	<p>24" x 48" x 42" Platform Liner with Molded Inside Step</p> <ul style="list-style-type: none"> * Rated at 70kV
1	<p>Dual Hydraulic Tool Outlet At Platform:</p> <ul style="list-style-type: none"> * Includes two flow controls at platform to regulate flow control to tool pressure line. * Accommodate two open center hydraulic tools and cannot be operated simultaneously. * Provides 4-6 gpm and pressure limited to 2250 psi for standard operation of tools with truck engine on low speed. * Quick disconnect HTMA flush face couplers are included. * Tool return back pressure is less than 200 psi with ISO 15 hydraulic oil.
1	<p>Two lanyard attachments on bucket lip in addition to standard location</p>
1	<p>Insulated Engine Stop / Start:</p> <ul style="list-style-type: none"> * Controlled from platform
1	<p>Two man rocking basket support; Install on top of curbside compartments.</p>
1	<p>Two rubber tubes, part# 444346 for bucket rest, two man bucket.</p>
1	<p>Auxiliary Let Down for use with Closed Center Hydraulics:</p> <ul style="list-style-type: none"> * Allows for the descent of the boom (platform) in the most direct manner for a time limited by the duty cycle of the electric motor. * Includes 12 volt electric motor for use on a 12 volt chassis. <p>Note: This includes a switch for activation at pedestal for electric or air function.</p>
1	<p>Emergency Pump Installation Kit including:</p> <ul style="list-style-type: none"> * All necessary hoses, fittings and electrical connectors * 400 amp fuse, holder and cover * 2/0 copper power cable with Red jacket
1	<p>Auxiliary control at pedestal for electric or air functions.</p> <p>Note: This is only a switch for activation for stop/start or two-speed.</p>

QUANTITY	DESCRIPTION
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- | | |
|---|---|
| 1 | DUECO Tie down and Subframe Assembly:
Angles and crosstubes for outriggers
Tie Down plates, tower wrapper
Wrapper tie down plates |
| 1 | Aerial Unit Subframe Tie-Down Kit |
| 2 | Tie down plates to secure subframe to chassis frame |
| 1 | Wrapper to secure pedestal to subframe |
| 2 | Wrapper tie-down plates |
| 1 | C-Channel within wrapper for hydraulic hoses. |
| 2 | Weld studs to mount tower |
| 1 | Hold down channel. |
| 4 | Tie down angles to secure outrigger assembly to subframe and chassis frame. |
| 2 | Extra Heavy Duty A-frame Outriggers:
* Hydraulic double acting outriggers including integral holding valves.
* 146.7 " spread pin to pin and 158.8 " to outside of pads at 9.3 " penetration and 40 " frame height.
* 13 " x 12 " swivel type stabilizer pads. |
| 1 | Controls For 2-Sets of Outriggers (Open center systems):
* Recessed at rear of truck each side for ease of view for outrigger placement.
* Includes switches and alarm for outrigger in motion alarm. |
| 1 | Pump for systems requiring 8 gallons per minute:
* Fixed displacement vane pump providing 5 gallons per minute at 950 engine rpm and 8 gallons per minute at 1370 engine rpm with a 98% pto.
* Typically used for transmissions required an elevated speed for pto operation. |
| 1 | Two (2) Year Parts and Labor Warranty in lieu of standard one year warranty. |
| | Installation & Accessories |
| 1 | Install Aerial Device Over Rear Axle And Install All Associated Components: |
| 1 | Large aerial Hi-Ranger plumbing kit. Includes Parker 451TC Tough Cover hose. |
| 1 | Auxiliary outrigger plumbing kit |
| 2 | Boom Interlock installation - prevents the operation of the boom unless the outriggers are deployed. |
| 1 | Stored Travel Height of this unit is not to exceed 13' 6". |
| 1 | BODY:

DUECO Aluminum Line body designed for a 120" C.A. chassis with dual rear wheels and front outriggers installed between the body and cab complete with the following features:
Cut-out for subframe
12 Ga. Treadplate floor and protective kick plate
16 Ga. Galvanealed body construction
6" structural channel
16 Ga. Outer door panels
16 Ga. Inner door panels
Rotary type slam action locks
Rod style door hinge
Rubber crown fenders |

QUANTITY	DESCRIPTION
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Complete prime interior and exterior
Weather stripping installed on all compartments
Wheel chock holders, two(2) in streetside fender panels
Non Skid Ferrox compartment tops
Body underside completely undercoated
160" overall body length

93" outside width
47" body height
18" compartment depth
57" floor width
Rope Lighting, three sides in each compartment

Compartmentation - Curbside

1st Vertical
Transverse Compartment
One (1) stationary shelf 12" from the top of the compartment
One (1) full length pull out drawer 12" deep
Access drop down door installed in the transverse to access the drawer and shelf for clean out

2nd Vertical
Transverse Compartment
One (1) stationary shelf 12" from the top of the compartment
One (1) full length pull out drawer 12" deep
Access drop down door installed in the transverse to access the drawer and shelf for clean out

3rd Vertical
Accessway (24") with gristrut steps
3rd Single stirrup step added to accessway
Steel Grab handles on body at each side of accessway for 3-Point contact

Horizontal
Bottom of compartment - divided shelf
Fixed divided shelf- mid compartment
Two (2) pullout drawers installed under fixed shelf

Rear Vertical
Seven (7) locking swivel hooks, 2-3-2

Compartmentation - Streetside

1st Vertical
Three (3) adjustable shelves
(NOTE: Fire extinguisher and inverter to be installed in this compartment.
Two (2) rechargeable lanterns to be installed on top shelf.)

2nd Vertical
Three (3) adjustable shelves

3rd Vertical
Three (3) adjustable shelves

Horizontal
Bottom of compartment - divided shelf
Fixed divided shelf - mid compartment

QUANTITY	DESCRIPTION
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	Rear Vertical Seven (7) locking swivel hooks, 2-3-2
	24" Tailshelf with steel treadplate top, smooth sides and light cutouts
	Body Accessories - Streetside
	Hotstick Shelf full length streetside with rear drop down door
	Punched aluminum basket, 48" x 78" x 8" Install on top of traverse compartment.
	Punched aluminum basket 18" x 144" x 8" Install on top of street side compartments.
8	Body rubber mounting bracket
1	A-frame boom rest for aerial unit
1	ACCESS TO BUCKET: Step assembly for access to bucket; gripstrut with two (2) pool type grab rails. Install step off of turret. Used in conjunction with compartment top access step.
1	Gripstrut step, 17"W x 18"L x 13"H, for installing on compartment top, for access to bucket or command post.
2	Steel grab rail, pool type, 28"H x 16"W
1	Boom Grab Rail-37": weld on lower boom forward of turret step grab handle.
1	Dual gripstrut cable step, 20": install rear of truck streetside access to cargo area.
1	Heavy duty square tube cab guard that protects the top of cab with fold down hand rails.
1	94" H x 69" W Square Tube rear cab guard support
1	Expanded metal rear window protector
1	Ladder to cab guard
1	Front bumper / cab guard support
1	PTO for an Allison automatic transmission.
1	Terex supplied shut-off valve. Install on suction line side of the hydraulic fluid reservoir and wire tie in the "Open" position.
1	Unit filled, powered and then topped off with correct amount of oil.
40	Red hydraulic oil - Flomite 530R - 5606 Mil Spec.
4	Aluminum outrigger pad holder with retainer for D2224 Dica pads. Install horizontally, best location on truck.
4	Aluminum swing arm/retainer for aluminum outrigger pad holder.
4	DICA composite outrigger pads, 24" x 24" x 1"
2	Rubber wheel chocks
	Mudflap Kit to Include:
2	Mud flaps, with DUECO logo
2	Aluminum mud flap straps
2	24" wide aluminum mud flap brackets

QUANTITY	DESCRIPTION
1	Under-ride protection bumper without expanded metal top
1	Tailshelf lighting kit Trucklite (LED) with grommets to meet FMVSS #108 standards: Two (2) red stop/turn/tail, one each C/S and S/S Two (2) clear backup lights, one each C/S and S/S Seven (7) red marker lights, two (2) in each corner C/S and S/S, three (3) in center of tailshelf
1	License plate light License plate bracket
1	Tailshelf electrical wiring harness
9	Rope Style Clear 12 volt compartment lighting. Install on top and sides inside each compartment.
1	Junction box
1	Federal Signal 454201-02 Highlighter LED Amber Light Bar - install on cab roof. * Low-profile modular design utilizing industry leading HighLighter styling and mounting footprint. * Incorporates ROC™ (Reliable Onboard Circuitry) LED technology. * Uniform 360-degree light distribution; no dark spots or shadows * More than twenty user selectable flash patterns * Magnet Select feature; easily switch flash patterns using a magnet. * Synchronize or alternately flash with multiple HighLighter LED units or a variety of other LED light heads * Contains two-channel high-side flasher that synchronizes other light heads (up to 7.5 amps per channel) * Variety of mounting options * SAE J845 Class 1
1	Light guard for Federal Signal Light Bar
4	Federal Signal 607101-02 lights, install two (2) in tailshelf and two (2) in front bumper.
1	Main electrical wire harness used with all trucks.
1	Hartfiel controller for medium and light duty chassis
2	Harness for communication between H-panel and controller
1	Chassis electrical and hook up
1	Special Engine Programming Placard
1	Harness, outrigger alarm, dual with weather pack connectors
2	Push button switch for 2 Speed and Start Stop function. Install at rear of truck C/S.
2	Dish for each button
1	Target Tech - Evacuator Plus Back-up Alarm; install at rear of truck
1	Inverter, DUI 12/2400 2400W inverter w/ 12 VDC input voltage and 120VAC output voltage pure-sine wave. Install in 1st Vertical S/S.
1	Miscellaneous electrical items as required to install inverter. Includes: Fuse, fuse holder, fuse cover and wiring
1	GFI Outlet kit

QUANTITY	DESCRIPTION
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- 2 Streamlight Lite Box rechargeable lantern - #45109 Yellow - 20W
Install in 1st Vertical S/S top shelf.
- 1 Relocate frame mounted chassis batteries to front outrigger leg or cargo area.
- 1 Battery storage rack for 3 batteries
- 1 Battery cover for storage rack with 3 batteries
- 3 Battery hold down bracket
- 1 First aid kit, 10 units
- 1 Triangle reflector kit
- 1 10lb fire extinguisher, dry chemical, ABC rating. install in 1st Vertical S/S.
- 1 Fire extinguisher bracket
- 1 Fire extinguisher cover
- 1 Standard Decal and Placard Kit for Aerial Unit.
- 1 Paint aerial device, body and accessories WHITE.

Paint body cargo area and top of tailshelf with non-skid ferrox.

DOT Inspection.
- 1 Crating, handling and freight on aerial unit.
- 1 Miscellaneous parts and supplies
- 1 Final test and inspection of completed unit including stability and dielectric testing per manufacturer's requirements and ANSI A92.2.
- 1 F.O.B. Burlington, WI
- 1 CHASSIS: 2013 Kenworth T370

WB: 188"
CA: 120
GVWR: 40,600lbs
Front Axle: 14,000lbs
Rear Axle: 23,360lbs
Front frame extensions
Engine: Diesel, Paccar PX-8 330 2010 330
Transmission: Allison 3000RDS 5-speed
Exhaust : RH under cab with vertical tailpipe
Color: School Bus YELLOW to match Burlington Fleet

TOTAL SELLING PRICE OF AERIAL UNIT, BODY & INSTALLATION: \$ 114,204.00

SELLING PRICE OF CHASSIS PER ATTACHED SPECIFICATION: \$ 83,800.00

TOTAL SELLING PRICE OF AERIAL UNIT & CHASSIS: \$ 198,004.00

The following optional items may be added:

DESCRIPTION	AMOUNT
PTI CSS Chainsaw Scabbard	ADD: \$296.00
<ul style="list-style-type: none"> * Durable reinforced fiberglass construction * Sturdy reinforced back plate * Non-corrosive pan-head brass post & screw fasteners for rapid sheath replacement * Dimensional proportions optimized for gas or hydraulic saws * Mountable on the inside or outside of the bucket 	

Automatic Boom Latch: ADD: \$1,285.00
 * Automatically latches and unlatches boom.
 Note: Insulation Gap decreases 12" with use of automatic boom latch.

ODYNE Plug in Hybrid Electric Vehicle ADD:\$100,000.00
Note: May require chassis modifications for which any related additional costs will be known at time of design and presented to the customer.

Stored Energy System
 Two 300 volt Lithium Ion Battery packs in parallel with 28kWh capacity.

Electric Motor
 High Power compact liquid cooled permanent magnet motor providing up to 232 lb/ft of torque with launch assist while driving and regenerative braking. The temperature of the electric motor is maintained by a cooling loop that includes an electric motor, pump, fan and radiator to extend the life and performance of the electric motor.

The electric motor increases fuel efficiency while driving and provides power for all of the work site accessories for all electric stationary operation at the work site.

Recharging Capability
 Plug in capability with level two 240 single-phase 30-amp service to fully recharge the stored energy system within an eight-hour period.

Engine recharging while in the field. The engine is automatically started when the stored energy system is depleted and recharged with the vehicles engine. Once the stored energy system is recharged the engine will automatically shut down and resume all electric stationary mode.

Regenerative braking recharges the stored energy system while braking the vehicle. As the vehicle slows the motor/generator slows the vehicle and recharges the stored energy system.

SAE J1772 compliant charge station for plug in recharging provided with contactor to only provide power to vehicle when all systems are fully functional. Vehicle will not start while plugged in to prevent operator from driving vehicle with charge cord attached.

Inverter Assembly
 Liquid cooled inverter assembly converting the 300V stored DC power to AC power to power permanent magnet motor.

LCD Display
 Cab mounted LCD driver display screen providing the operator with valuable Plug-in Hybrid system data and troubleshooting codes.

Override
 Hybrid override system to allow vehicle to operate as a standard vehicle for driving and stationary application if the PHEV system is not functional.

DESCRIPTION	AMOUNT
HYBRID PREP PACKAGE FOR AERIAL DEVICE: *Fiber optic enable at platform. *Enable switch at lower controls. *Enable system engages pump only when controls are activated.	ADD: \$2,784.00

Option: Auxiliary Heating System ADD: \$2,353.00

Auxiliary Cab heating system for use during all electric mode while the engine is not running.

We trust you will find this information to your satisfaction. If you have any questions or need further assistance, please contact your account manager, Doug Williams, at 262-366-5985. If your need is urgent and you can not reach Doug, you are welcome to contact me directly at 1-800-558-4004.

Thank you for giving us the opportunity to quote your equipment needs and we look forward to working with you in the near future.

Sincerely,

 Paul Bartelak
 Proposal Coordinator

Cc: Doug Williams

Notes:

Customer must fill out the information below before the order can be processed...

Accepted by:	
Date:	
P.O. number:	
Quote ID:	Total Purchase Price: \$

Lease Options:

DUECO is in a position to offer alternative financing to the outright purchase of this equipment through the use of leasing packages. For more information on these customized lease packages that may meet your particular needs, please consult with your local regional sales representative or contact Jack Gebhardt at 800-558-0999 ext 8235.

DUECO STANDARD TERMS AND CONDITIONS:

- 1.) Quote valid for 30 days.
- 2.) Terms: Net 10 days
- 3.) Price does not include any applicable local, state or federal excise taxes.
- 4.) Estimated delivery is 240-270 days after receipt of purchase order.
- 5.) DUECO, Inc. assumes no warranty on chassis. Chassis warranty is the responsibility of chassis manufacturer (dealer).
- 6.) Please indicate on your purchase order whether or not you will require a pre-paint inspection.

7.) Completed unit is FOB Waukesha, Wisconsin unless otherwise stated in Quote.

8.) DUECO, Inc. maintains complete service facilities in Waukesha, WI; Bourbon, IN; Shakopee, MN; Medina, OH; York, PA; Watertown, SD.

9.) In-service Training provided at customer's facility.

10.) If chassis is ordered through DUECO, Inc. the chassis payment is due upon receipt of the chassis at DUECO, Inc. unless other arrangements are made. If chassis dealer will no longer honor prices quoted due to model year changes or other chassis changes prior to receipt of purchase order, customer is liable for any increase.

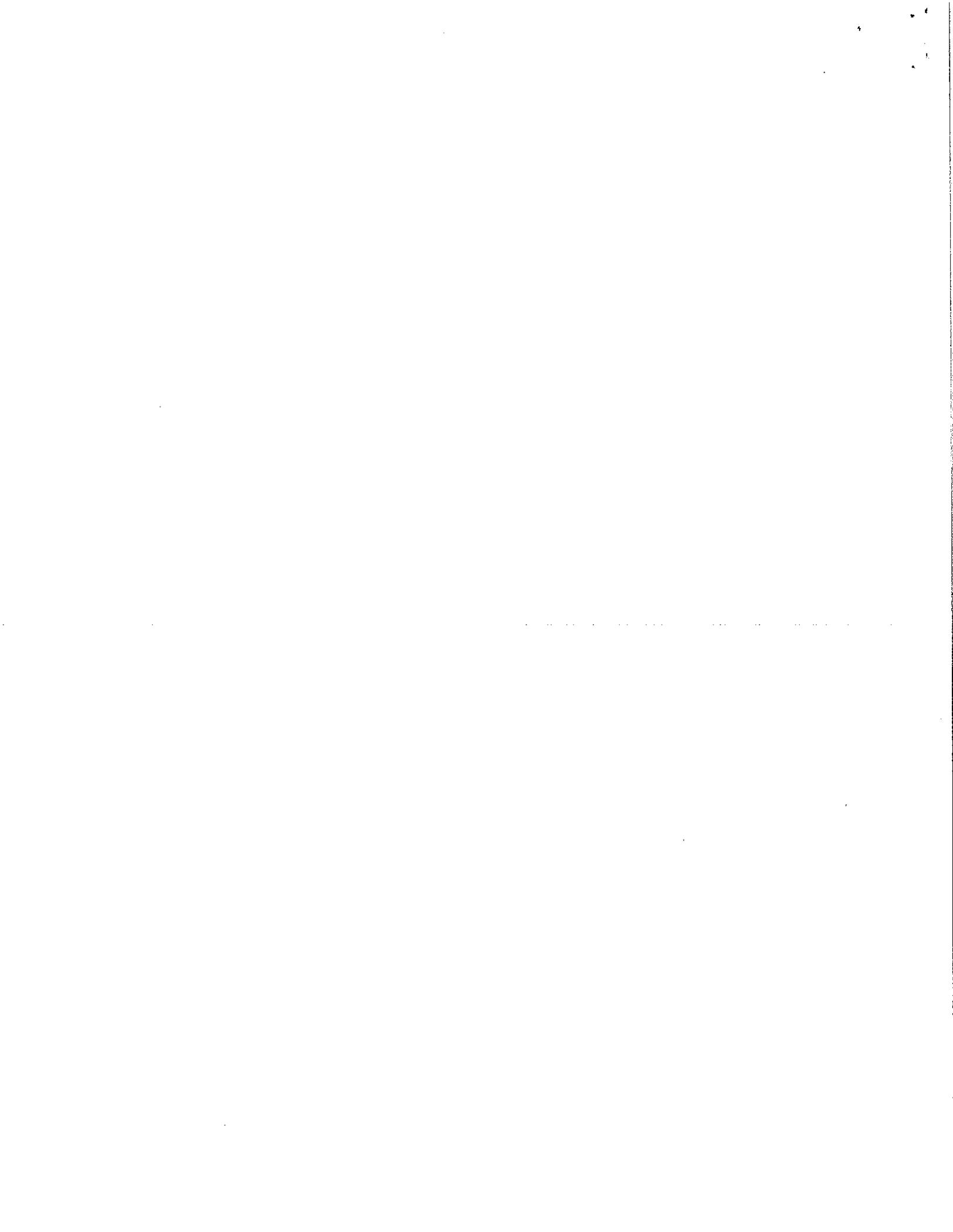
11.) DUECO, Inc. makes every effort to meet the delivery commitments we provide to our customers. Unfortunately, if a chassis manufacturer fails to deliver the bare chassis to our plant for the installation of our equipment, we cannot deliver a finished product to you, our customer. Recent inconsistencies by some chassis manufacturers have forced us to include this disclaimer in every bid. If a chassis manufacturer halts or delays production for any reason, DUECO, Inc. cannot be held responsible.

Customer Furnished Chassis:

If a customer furnished chassis is provided, the chassis must be received at our Waukesha, Wisconsin facility a minimum of sixty (60) days before the start of production. All charges for any necessary relocation of chassis frame mounted accessories, such as fuel tanks, air tanks, brake boosters, exhaust stacks or battery boxes is the sole responsibility of the customer.

Trade-in Equipment

Trade-in offer is conditional upon equipment being maintained in good operating order until replacement by new equipment. All equipment, i.e. tires, winches, jibs, pin-on buckets, etc., to remain with unit unless otherwise agreed upon. DUECO Inc., reserves the right to re-negotiate its trade-in offer if these conditions are not met. At the time of delivery of the new equipment, the trade-in must have a certified DOT inspection sticker.





Department of Public Works
Streets, Parks and Water & Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13F	Date: March 20, 2012
Submitted By: Dan Jensen, Department of Public Works Supervisor	Subject: Resolution 4538(63) to consider approving the award to purchase two (2) Mowers/Polar Trac from Reinders in the amount of \$81,783.63.

Details:

The 2012 Public Works budget includes the purchase of two (2) Mowers with attachments. The new mowers will replace 1994 and 1995 John Deere 955 Utility Tractors, 1996 John Deere 345 Riding Tractor, 1998 Jacobsen Turf Cat Mower, 1996 John Deere 445 Riding Tractor, and 1997 and 1998 John Deere F1145 Front Mount Mowers. The City opened the bidding process for the mowers on February 17, 2012. Four (4) bids were received in response to specifications developed by the Department of Public Works.

Reinder's:	\$81,783.63 (2 Mowers and Polar Trac Attachments)
Schmidt Implement:	\$13,860 (2 Mower Only – NO Polar Trac Attachments)
MTI Distributing:	\$83,189.86 (2 Mowers and Polar Trac Attachments)
Spartan Distributors	\$91,597 (2 Mowers and Polar Trac Attachments)

License and registration fees if applicable.

I recommend that the Council award the bid to Reinders for a cost not-to-exceed \$81,783.63.

Options & Alternatives:

The Council could chose to continue using the current equipment, however these new movers replace several pieces of outdated equipment. The new mowers are more efficient and match our current needs better. Both were planned for as part of the Equipment Replacement Fund.

Financial Remarks:

The mowers were included in the 2012 Public Works Budget for \$93,000 which is \$11,216.37 below the budgeted amount.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.

**A RESOLUTION APPROVING THE AWARD OF TWO (2) 2012 MOWERS/POLAR TRAC
TO REINDERS FOR THE NOT-TO-EXCEED AMOUNT OF \$81,783.63**

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

WHEREAS, the Purchasing Policy requires that all non-construction contracts exceeding \$15,000 are to be reviewed and approved by the Common Council; and,

WHEREAS, the City has a need for new 2012 Mowers/Polar Trac with funds budgeted in the 2012 Annual City Budget; and,

WHEREAS, the City of Burlington delivered bid packets to various dealers in Southeastern Wisconsin and Northern Illinois; and,

WHEREAS, the bids were received by the City which were opened and reviewed by City staff on Thursday, February 17, 2012; and,

WHEREAS, the Department of Public Works Supervisor does recommend acceptance of the bid from Reinders for the not-to-exceed price of \$81,783.63, plus license and registration fees if applicable.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the bid for two (2) 2012 Mowers/Polar Trac, with the not to exceed cost of \$81,783.63, plus license and registration fees if applicable, be awarded to Reinders.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk

CITY of BURLINGTON

Department of Public Works

• Bid Tabulation •

VEHICLES

MOWER - puller
TRACK

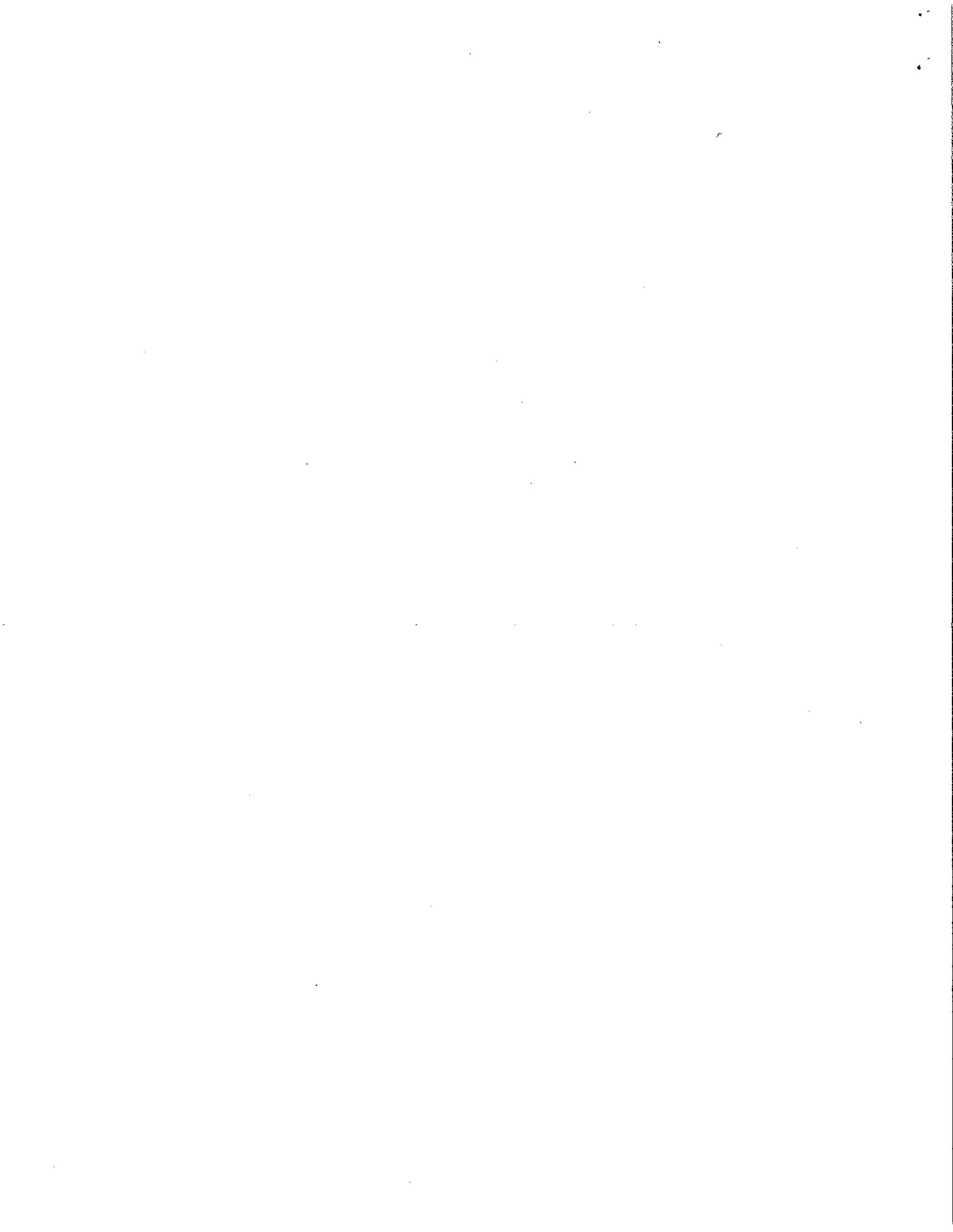
9:50 AM Qty 2

Bid Opening: February 17, 2012 9:30 AM

Item	Bidder No. 1	Bidder No. 2	Bidder No. 3	Bidder No. 4	Bidder No. 5	Bidder No. 6	Bidder No. 7
	Spartan	Reinders	MTI	Schmidt			
			Distributing	Implementation			
Total Base Bid:	Qty. 2 → \$91,597.00	\$81,783.63	\$83,189.86	\$13,860			
				mower			
				only - no			
				puller-track			

Opened by: Christopher Keffer
Deb Rintamaki

Reinders meets all Bid requirements + is low bid. \$81,783.63
includes all options needed.



Reinders



Count on it.

Mark Robel, SCPS
 Territory Manager
 W227 N6225 Sussex Road
 Sussex, WI 53089-3969
 Cell #(414) 313-5296
 Main Fax (262) 786-6111
mrob@reinders.com

For: Burlington DPW
 2200 S. Pine St.
 Burlington, WI 53105

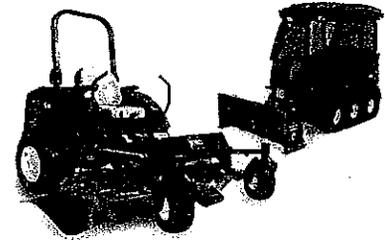
Acct. # 108361
Attn: Chris Keefer

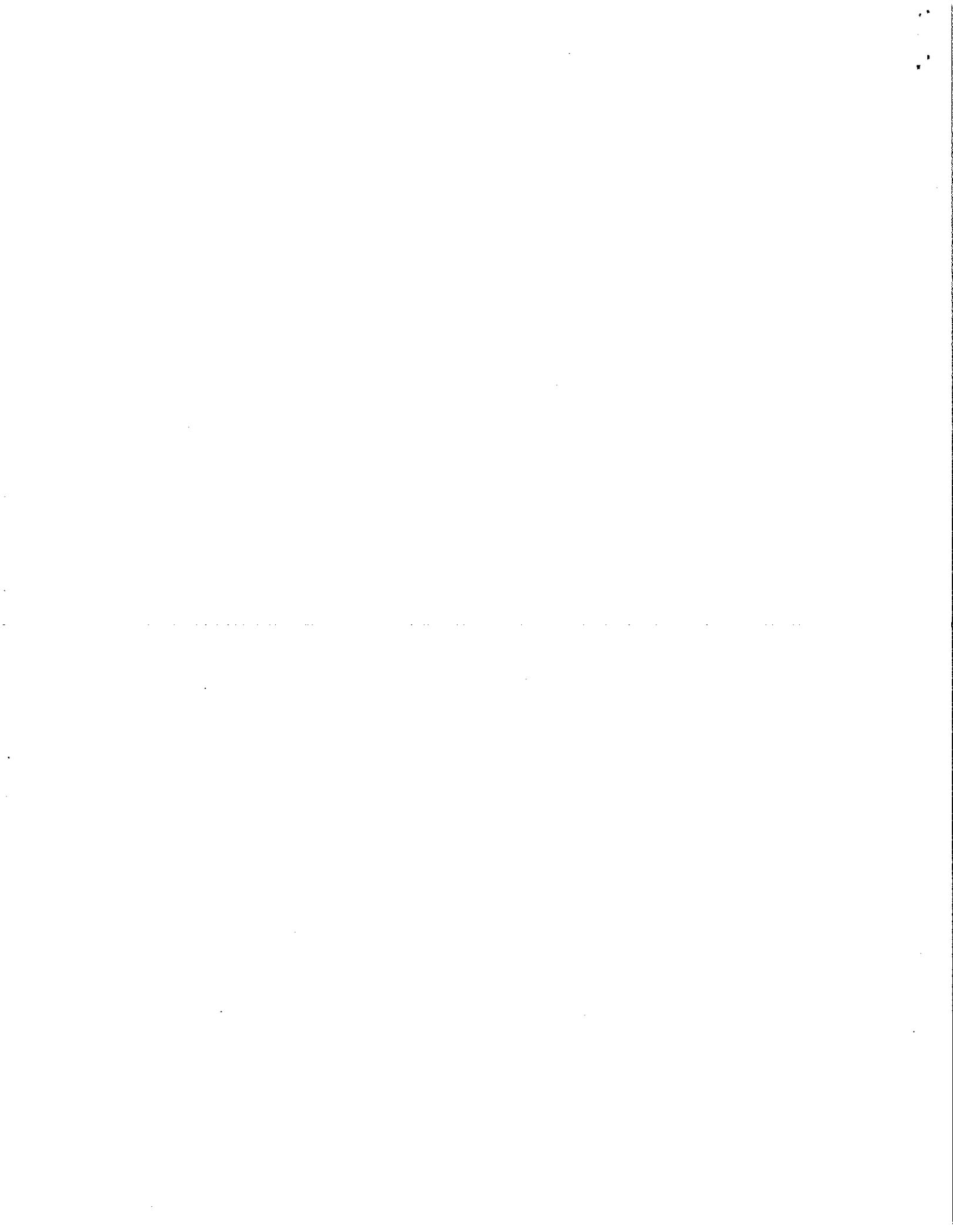
Quote ID GM7210-Polar Trac.	Quote Good Est.
Quote Date 2/13/12	Tax Not Included In Quote

PRICE QUOTATION

Qty	Model #	Description
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2	30363	Toro GM 7210-72" Side Discharge	<table border="1"> <tr> <td>Total:</td> <td>\$81,783.63</td> </tr> </table>	Total:	\$81,783.63
Total:	\$81,783.63				
2	108-5273	Leaf Mulching Kit			
2	30370	Polar Trac Conversion Kit			
2	30371	Polar Trac Cab			
2	30382	12V Power Port/Electrical Accessory Kit			
2	D529	TPP Drive Train Coverage- 60 months.			
2	454201-02	Federal Signal Specified Light			
2	DZRBLADE	MB Dozer Blade 60" for GM7210			
1	MCT7200721 0	MB 60" Broom for GM7210			







Department of Public Works
Streets, Parks and Water & Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13G	Date: March 20, 2012
Submitted By: Dan Jensen, Department of Public Works Supervisor	Subject: Resolution 4539(64) to consider approving the award to purchase one (1) Hot Patch Machine in the amount of \$9150 w/tailgate if picked up by DPW.

Details:

The 2012 Public Works budget includes the purchase of 2012 Hot Patch Machine. The new machine will allow the DPW Crews to do street repairs without having to purchase materials ready mixed and without having to contract outside for larger repairs/work.

Casper Truck Equipment: \$ 9,150: Pick Up
Casper Truck Equipment: \$11,630: Delivered

I recommend that the Council award the bid to Casper Truck Equipment for a cost not-to-exceed \$9150.

Options & Alternatives:

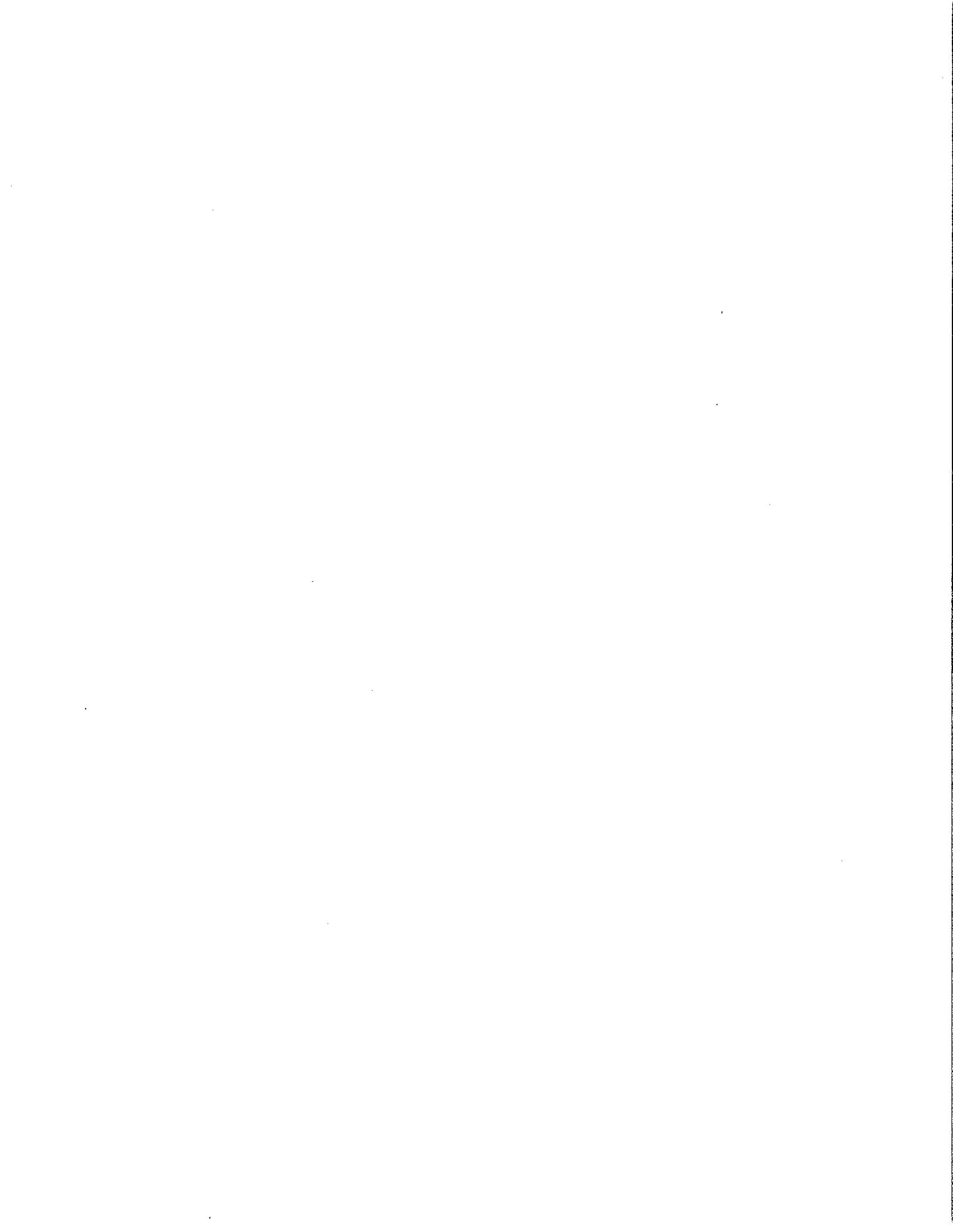
An alternative would be not to purchase the hot patch machine and continue to purchase materials ready mixed and contract outside when necessary.

Financial Remarks:

The Hot Patch Machine was included in the 2012 Public Works Budget at an amount of \$8,000. This bid is \$1,150 above the budgeted amount.

Executive Action:

This item was discussed at the March 6, 2012 Committee of the Whole meeting and is scheduled for the March 20, 2012 Common Council meeting for consideration.



**A RESOLUTION APPROVING THE AWARD OF ONE (1) HOT PATCH MACHINE TO
CASPER TRUCK EQUIPMENT IN THE AMOUNT OF NOT TO EXCEED \$9150**

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

WHEREAS, the Purchasing Policy requires that all non-construction contracts exceeding \$15,000 are to be reviewed and approved by the Common Council; and,

WHEREAS, the City has a need for a Hot Patch Machine with funds budgeted in the 2012 Annual City Budget; and,

WHEREAS, the City of Burlington delivered bid packets to various dealers in Southeastern Wisconsin and Northern Illinois; and,

WHEREAS, the bids were received by the City which were opened and reviewed by City staff on Monday, February 20, 2012; and,

WHEREAS, the Department of Public Works Supervisor does recommend acceptance of the bid from Casper Truck Equipment for the not-to-exceed price of \$9150.

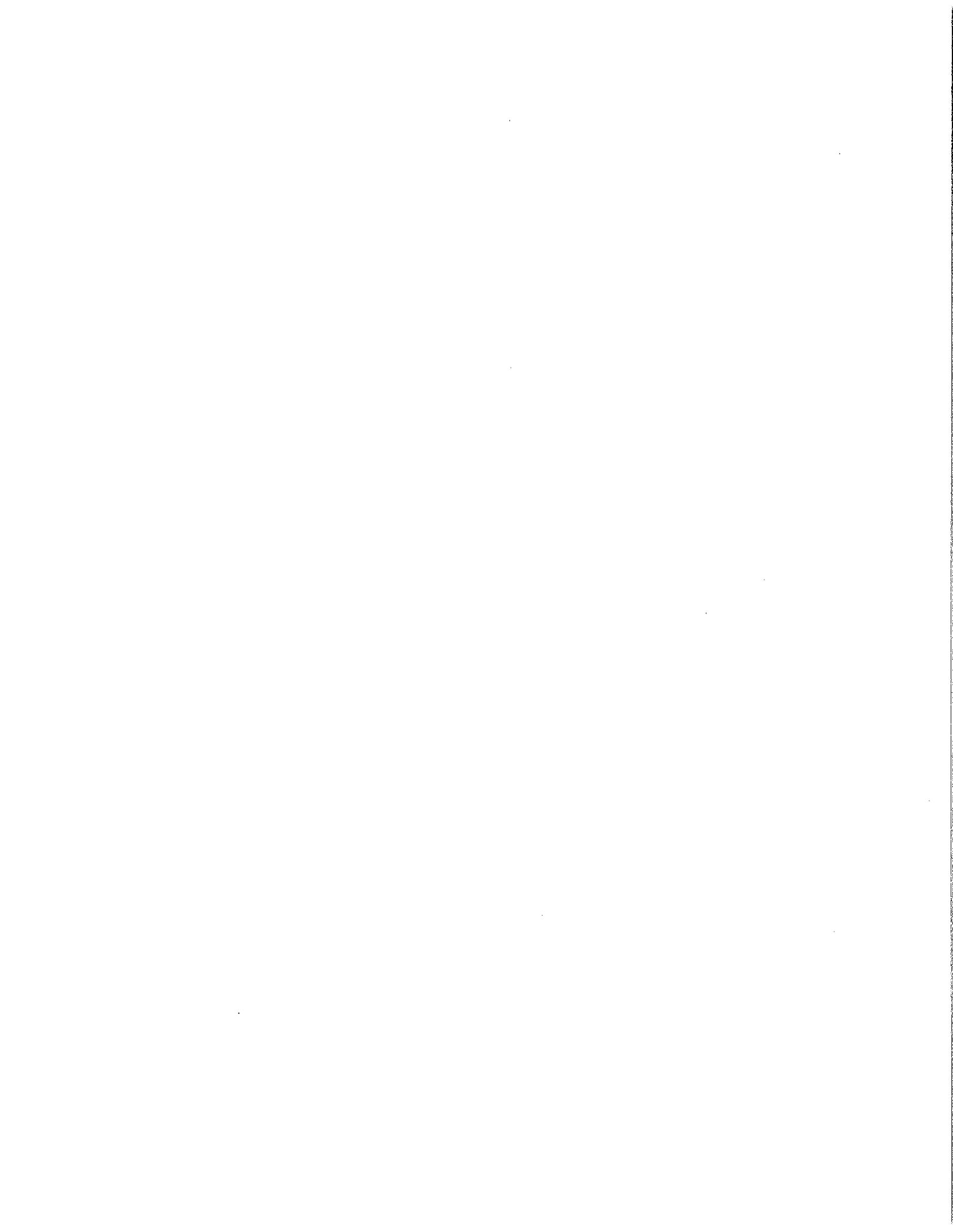
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the bid for one (1) Hot Patch Machine with the not to exceed cost of \$9150 be awarded to Casper Truck Equipment.

Introduced: March 6, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk





700 Randolph Drive

Appleton, WI 54913

At 41 & N, Little Chute, WI

Phone: (920) 687-1111

Fax: (920) 687-1122

Green Bay (920) 983-1111

Milwaukee: (262) 544-5404

www.casperstruck.com

:City Of Burlington

: RE:

Date: February 24, 2012 Time: 7:41:05 AM Terms: Due on Delivery Contact: Daniel P. Jensen
Phone # 262-210-0635 cell 262-342-1183 Ofc Fax # E-mail: djensen@burlington-wi.gov

** SALES QUOTATION **

Chris @ 262-539-3770 or Cell @ 262-210-0170

1. "Hot Patch" Asphalt Engine Coolant Heater

- A. Model A 76" wide interior width dump bodies, please specify
B. Model D 82" wide interior width dump bodies, please specify
C. Coolant line is tapped into the return loop from the heater core so the cab is heated first. After the return line is tapped into the coolant runs through a three (3) way valve system where you can select to have the heat go to the bed or back to the engine depending on what you are hauling. After the coolant passes through the open valve it enters the Hot patch unit and is distributed throughout the system. After the coolant has been circulated it exits the manifold and returns to the radiator
D. Heats cold mix to a workable temperature in half an hour year round - the time it takes to drive to a job site
E. Keeps hot mix pliable throughout the entire day. Left over hot mix, won't need to be chiseled out the next day
F. Designed to fit any truck bed (please specify interior width) and does not drastically change the function of the dump box therefore the truck can continue to be used for normal daily duties
G. "Green" in that it uses your truck's own engine coolant to heat the repair mix while en route to you job site - no more pull behind equipment or thermostats
H. Supplied with high density elastomeric insulation that is placed between the bed of the truck and the heating unit
I. Durable top and bottom plates
J. Tapered sides and front direct material to the heat zone
K. Coolant channeled in a serpentine pattern between plate layers
• Ergonomic hydraulic shoveling platform is designed to lower materials from the bed of the truck to a comfortable shoveling height within their "safe lifting zone" the area between your knees and shoulders. The platform can lift 800 pounds reducing injury potential, labor cost, and time. in addition to your asphalt needs, it is extremely useful with several daily duties such as shoveling mulch, gravel, and top soil. It can be used to lift heavy chunks of debris, tools and appliances.
L. Vinyl heat resistant tarp / cover, attached to front of hot patch unit, manually unrolled over top of product in hot patch, grommets included in sides of tarp, customer supplied bungies and dump body tie off points
M. Factory painted black
N. Furnished only F.O.B. Tomahawk

** Above Unit Applicable Up to 11' Beds & Shorter

Total: \$ 9,150.00

Option

AA. Weather proof dump switch to operate your box if it has an electric pump and valve. This allows operators to raise and lower the box from the rear of the truck so they can see the material as they raise/lower it, switch furnished only (to be installed by Burlington)

Add: \$ 35.00

ALL SALES TAX AND FET TAX WILL BE ADDED

Submitted by: Quote firm 30 days. Terms: Net on delivery. PO #
Quote and terms accepted by: Title: Date accepted

THANK YOU for the opportunity to submit our quote for your consideration





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: 7	Date: March 20, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Resolution 4541(66) to consider an agreement with Accurate Appraisal, LLC for municipal assessment services.

Details:

The City recently went out for an RFP for Assessment Services after several years of service by National Appraisal. City staff solicited proposals for a three-year maintenance agreement and a reassessment in 2012 or 2013. Four companies responded to the RFP. City Administrator Kevin Lahner and Treasurer Steve DeQuaker interviewed Tyler Technologies and Accurate Appraisal based upon their response to the RFP.

Based upon the interview and follow-up with Accurate Appraisal, we believe that they will be the best fit for the City of Burlington. They currently provided assessment services to 80 cities statewide, including several near the City of Burlington including Lake Geneva, Elkhorn, Whitewater and Darien.

Among other factors, Accurate received strong references from several local communities. We were also impressed with the fact that they are advancing new appraisal technology and have had a strong focus on customer service.

After the transition process occurs, we intend to review our reassessment options and are likely to bring back a proposal to do a reassessment of the City in 2013 and/or a blended reassessment option that would reassess the city over a period of time.

Options & Alternatives:

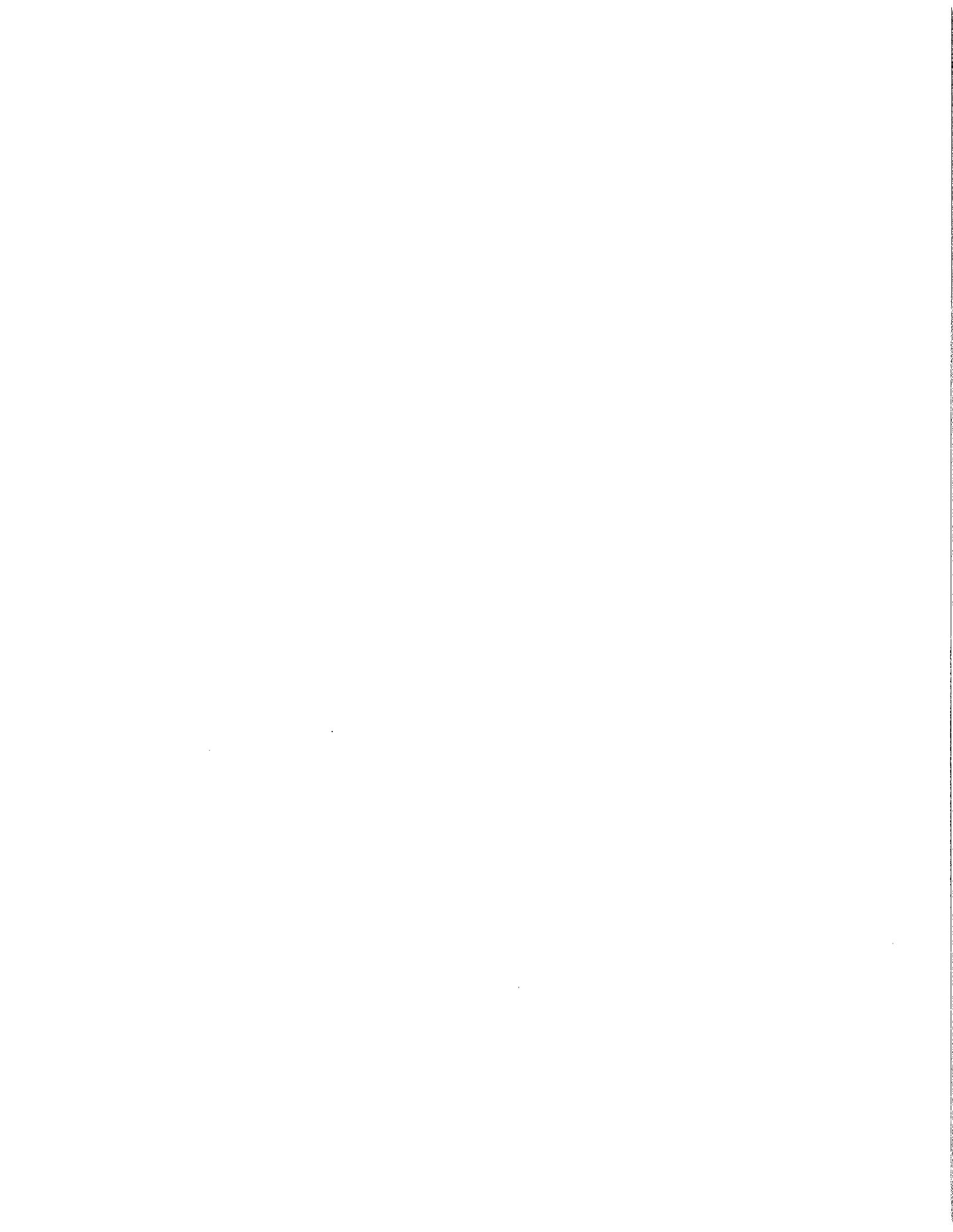
The Common Council could reject this contract and seek additional proposals. In addition to Accurate Appraisal's response, we received proposals from Tyler Technologies, Associated Appraisal, and Grota Appraisal.

Financial Remarks:

The Regular Maintenance contract is for \$13,500 per year. We currently pay National Appraisal \$18,000 per year.

Executive Action:

This item is scheduled for discussion at the March 20, 2012 Committee of the Whole meeting and scheduled for the Common Council meeting for consideration on April 4, 2012.



Resolution No. 4541(66)
Introduced by Committee of the Whole

**A RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN
THE CITY OF BURLINGTON AND ACCURATE APPRAISAL, LLC**

WHEREAS, Accurate Appraisal, LLC provides assessor functions and related assistance for municipalities; and,

WHEREAS, a Request for Proposal (RFP) was advertised in February, 2012 for assessment services with four bids received and opened on March 1, 2012; and,

WHEREAS, the City of Burlington believes that it is in the City's best interest to contract with Accurate Appraisal, LLC for assessment services and revaluation of real property; and,

WHEREAS, Accurate Appraisal, LLC will coordinate this assistance with a minimum of one eight hour period per month to the City Hall; and,

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 Accurate Appraisal, LLC for a period of three years beginning April 1, 2012, for assessment services as stated in the attached agreement (Exhibit "A"),

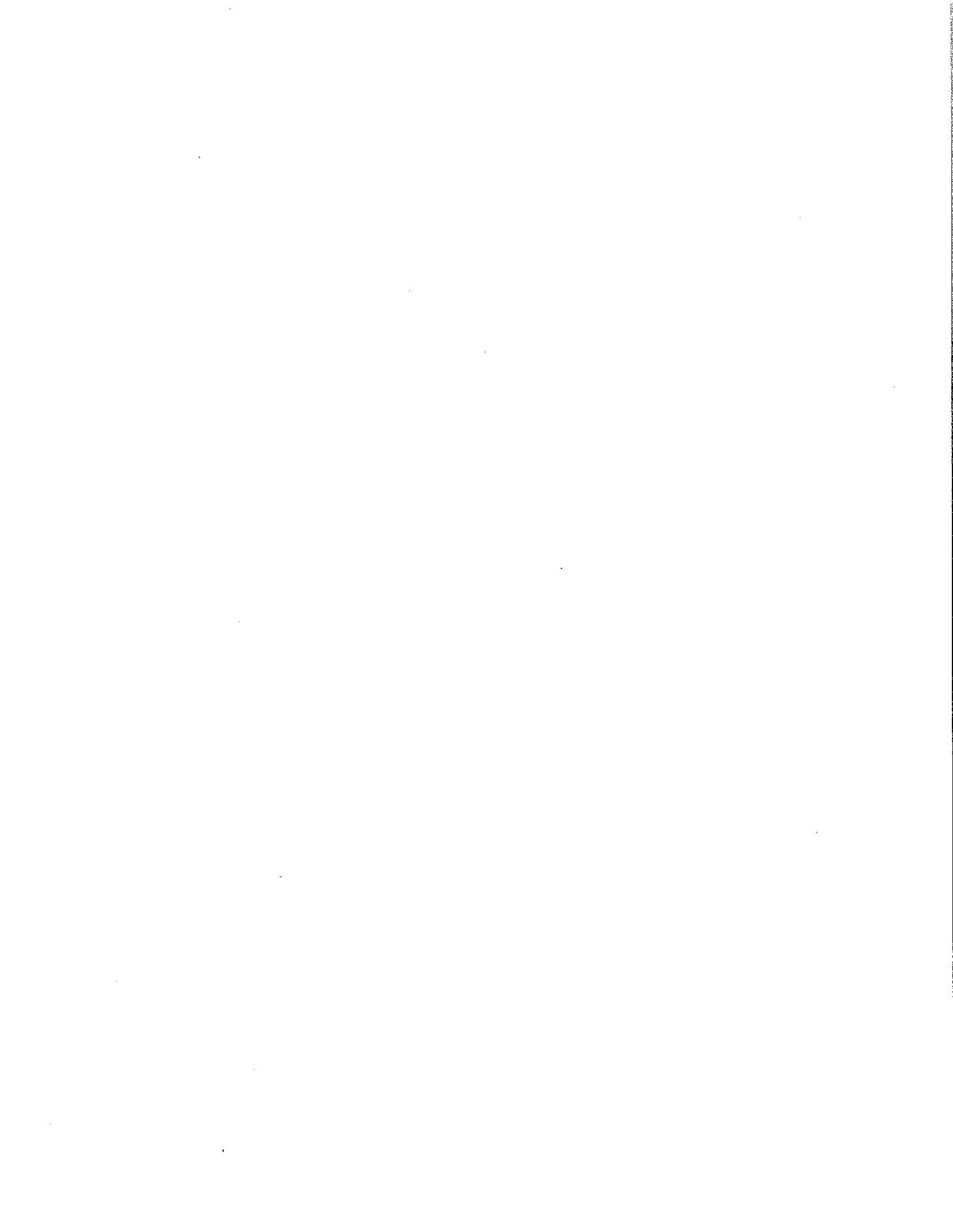
BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and directed to execute this agreement on behalf of the City.

Introduced: March 20, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk





AGREEMENT FOR ASSESSMENT SERVICES

Section I

This agreement made this _____ day of _____, 2012 by and between the City of Burlington, Racine and Walworth Counties, State of Wisconsin, party of the first part, hereinafter referred to as "Client",

AND

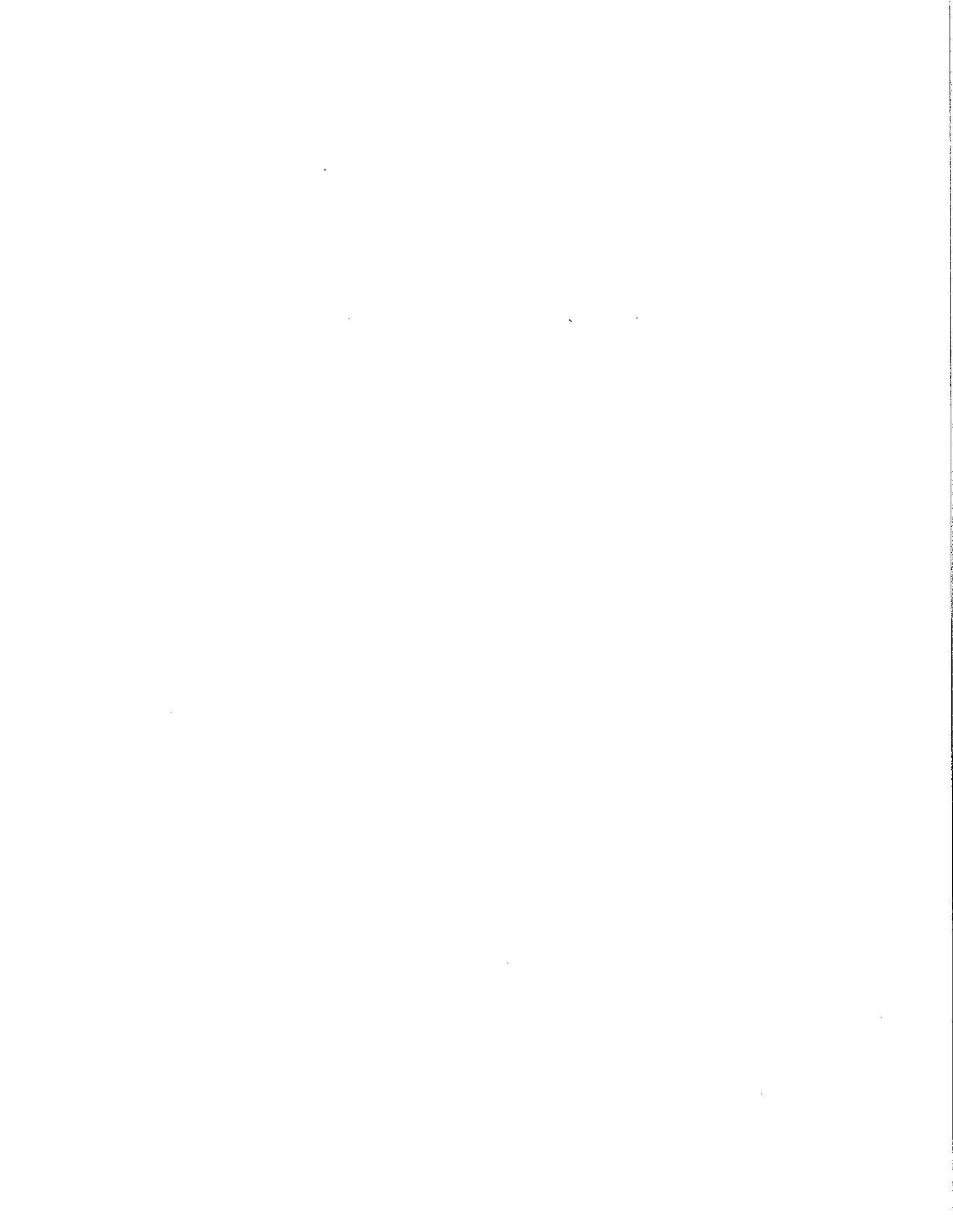
ACCURATE APPRAISAL LLC., PO BOX 415, MENASHA, WI 54952, party of the second part, hereinafter referred to as "Accurate".

SCOPE OF SERVICES

Accurate shall provide the Client with assessing services by Wisconsin Department of Revenue Certified Personnel for the 2012-2014 assessment years which includes the following:

1. Accurate shall update and maintain 100% real property assessment records for the Client. Said service shall include all assessing services so as to comply with all applicable Wisconsin statutes, codes, rules, and/or regulations, including the assessment of all new construction, remodeling, additions and changes relating to improvements removed for any reason such as fire, demolition, etc. through building permits. Accurate shall reapportion value brought about through property splits.
2. Accurate shall prepare and mail personal property blotters from a list supplied by the Client of the accounts to be assessed. Accurate will analyze returned personal property blotters from the merchants in order to establish the proper assessment.
3. Accurate shall, without additional expense to the Client, be required to attend Open Book and all Board of Review meetings and shall be responsible for defending all assessments. The Open Book meeting shall be conducted as needed. The meetings shall be scheduled by Accurate with the Clerk. The Open Book meetings shall be completed no later than the agreement date specified in Section III of this agreement.

4. Accurate shall enter real estate and personal property assessments in the current assessment roll so that it may be submitted to the Board of Review.
5. Accurate shall retain the right to employ additional certified personnel at Accurate's expense as deemed necessary to complete the assessment roll in a timely manner. Responsibility for the content and accuracy of the assessment roll regardless of the use of other personnel shall, however, rest with Accurate.
6. The Client's responsibilities will be to supply Accurate with adequate office space in or near the Client's Hall. Items to be mailed such as, but not limited to, assessor's final report and personal property blotters will be the responsibility of Accurate.
7. The Client will hold harmless Accurate from third claims and liabilities due to the assessment of property except claims or liabilities, which result from the intentional or negligent acts or omissions of Accurate, its employees, agents and representatives, shall be the responsibility of Accurate.
8. This agreement between the Client and Accurate shall be for the aforementioned assessment year beginning January 1st, 2012 and ending December 31st, 2014. It is expected the work will commence with the mailing of personal property blotters and be completed after the final adjournment of the Board of Review and any necessary follow up questions and/or work because of appeals of Board of Review decisions.
9. Accurate shall submit monthly invoices based upon a percentage complete. The Client reserves the right to retain a 10% holdback pending final completion of all terms and conditions of the contract.
10. Accurate shall provide advice and opinion for assessment matters and will defend values through the appeal process beyond the Open Book and Board of Review.
11. Accurate shall complete its Open Book hearings under this agreement no later than the agreement date, specified in Section III of this agreement, except for delays caused by the Client, county or state. Accurate may request a thirty-day extension to the contract upon written agreement with the Client.



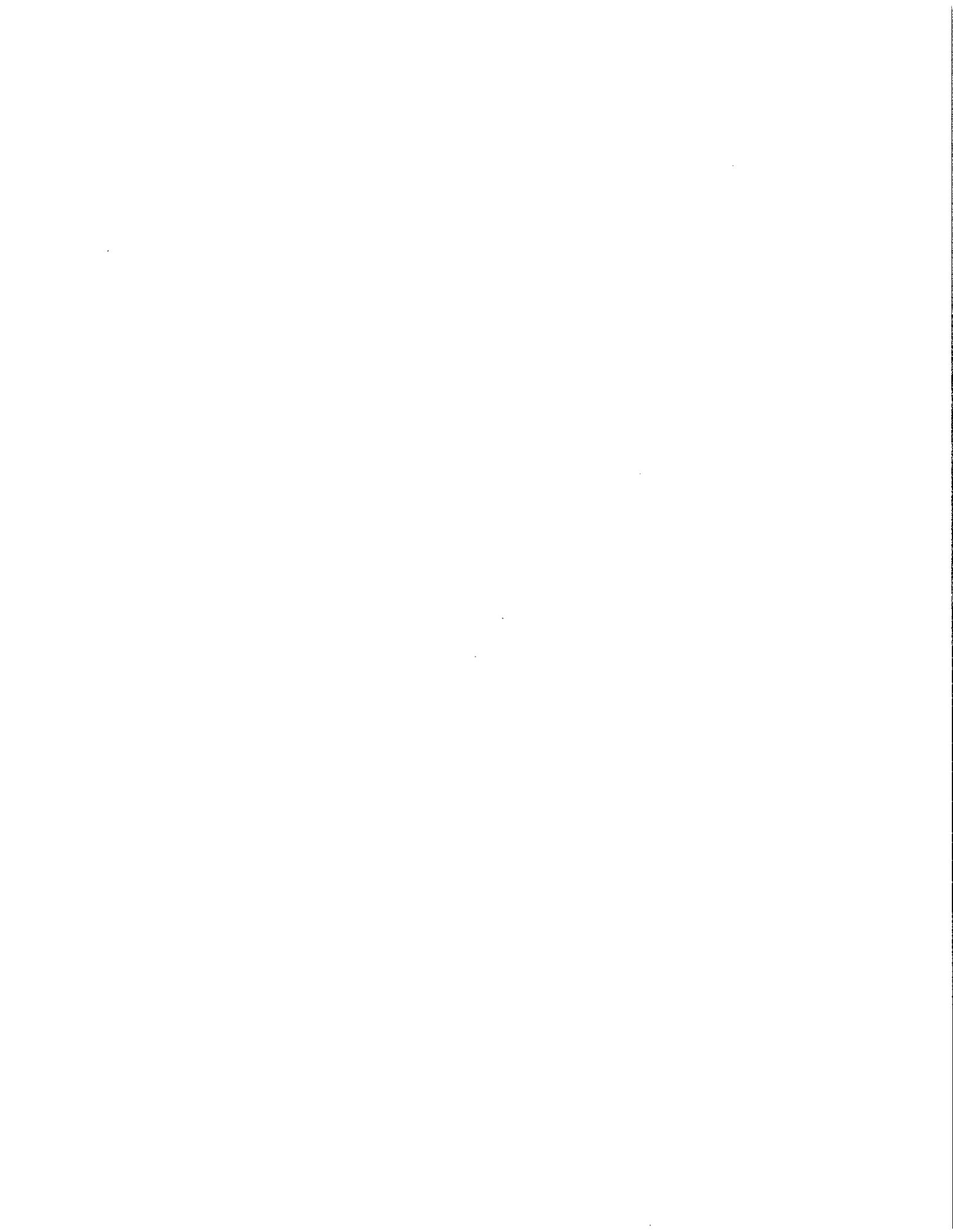
12. Accurate shall maintain full insurance coverage to protect and hold harmless the Client. Limits of liability shall be not be less than the amounts listed below in this contract:

INSURANCE COVERAGE

General Liability

General Aggregate	\$ 4,000,000
Each Occurrence	\$ 2,000,000
Personal & Adv Injury	\$ 2,000,000
Products-Comp/Op Agg	\$ 4,000,000
Fire Damage	\$ 300,000
Medical Expense	\$ 10,000

13. Accurate shall consider the cost approach, market approach, and income approach in the valuation of all land and improvements where applicable.
14. Accurate shall use Computer Assisted Mass Appraisal software to accurately provide the Client with records of the maintenance and revaluation. For both residential and commercial valuation, Global Valuation Systems or Market Drive or any other applicable CAMA software, will be utilized following market data, Volume II of the Assessor manual and Marshall & Swift cost tables. The yearly maintenance fee associated with the use of any program will be at no additional cost to the Client. The data will be available to the public on accurateassessor.com; building data and appointment scheduling will also be available at no additional expense to the Client.
15. Photographs of all improved parcels will be taken digitally at no additional expense to the Client.
16. All expenses incurred by Accurate during the contract such as postage, phone calls, etc., will be at no additional expense to the Client.
17. Accurate will promote understanding of the assessment process with taxpayers and the Client. The Client and Accurate shall work to maintain good public relations throughout the assessment program.



Section II

Parcel Totals:

Residential Total = 3,079

Residential Improved = 2,815

Commercial Total = 477

Commercial Improved = 415

Agricultural = 18

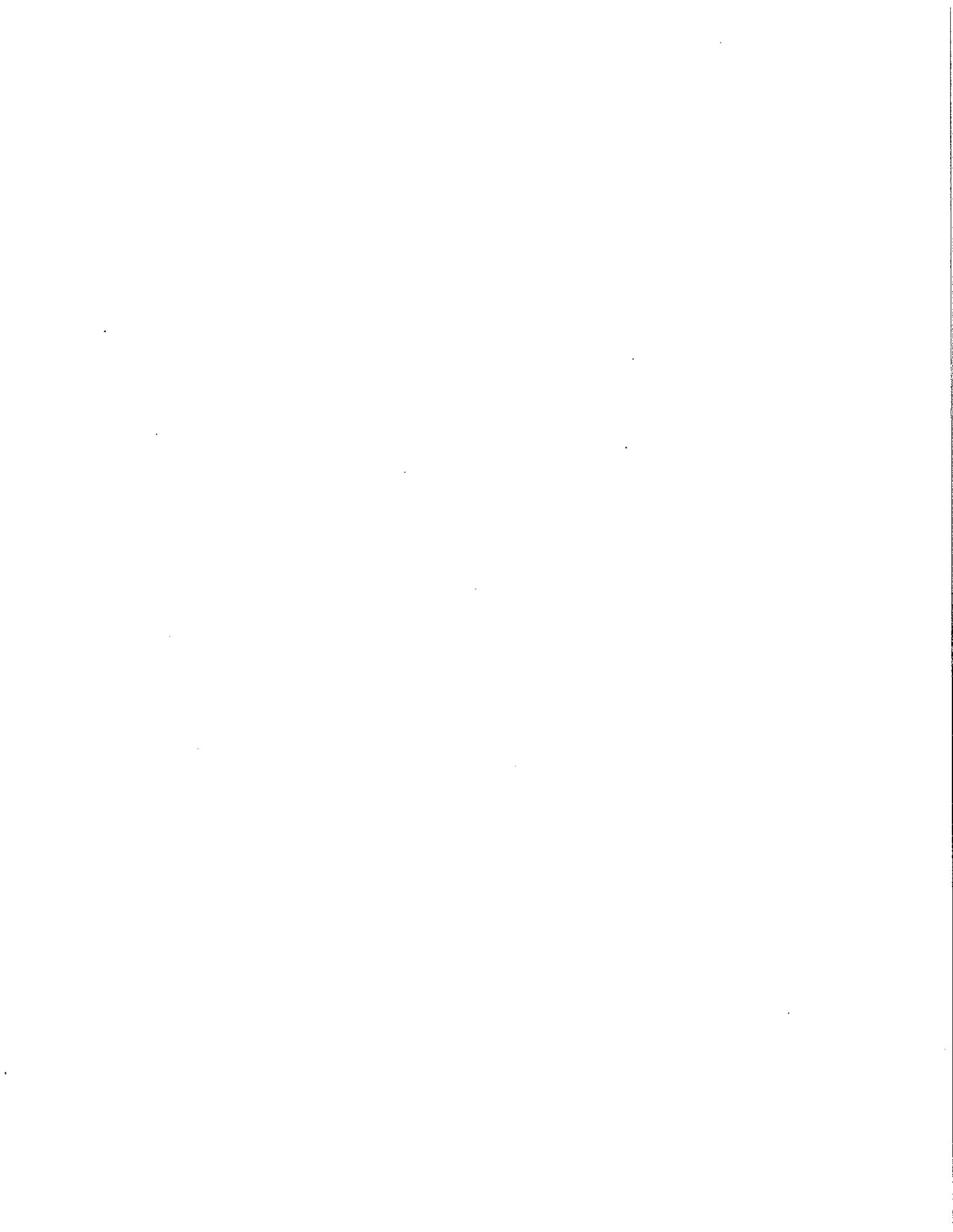
Undeveloped = 4

Other Total = 2

Other Improved = 1

Ag Forest = 1

Forest = 4



Section III

Agreement for Assessment Services

Provided by Accurate Appraisal LLC.

For

City of Burlington, Racine and Walworth Counties for the assessment years 2012-2014

Dated this _____ day of _____ 2012.

Agreement completion date of June 30th each year for maintenance

Fee for services rendered:

Accurate shall be paid the sum of:

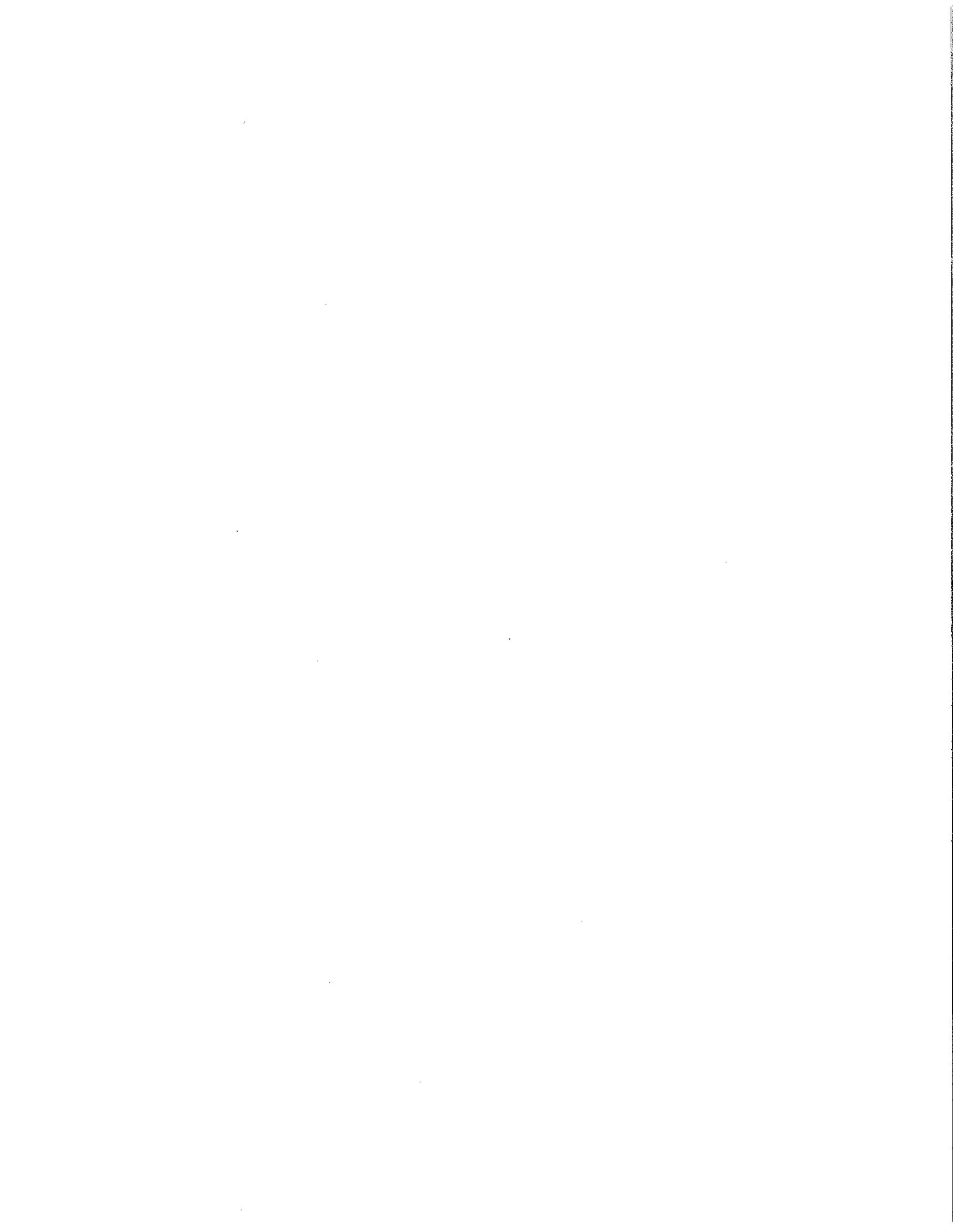
2012-2014 Maintenance - \$13,500 per year

Jim Danielson
Member
Accurate Appraisal LLC

Date

Authorized Client Signature

Date





CITY OF BURLINGTON

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

Committee of the Whole Item Number: 14	Date: March 20, 2012
Submitted By: Mayor Robert Miller	Subject: Motion 12-736 to approve booking the 2012 fireworks display for July 4 th with Bartolotta Fireworks Company, Inc.

Details:

Per the Council's direction at the March 6, 2012 meeting, the City would like to contract with Bartolotta Fireworks Company, Inc., the vendor supplying fireworks for the 4th of July display at Echo Park, for the price of \$10,000. Bartolotta has performed the City of Burlington July 4th fireworks display for the past eleven years.

Options & Alternatives:

The Council may choose to deny this contract with Bartolotta or choose to bid for a different fireworks vendor.

Financial Remarks:

The chosen price to pay for the 2012 fireworks display is \$10,000. Payment is made through the Festivals Account within the General Fund.

Executive Action:

This item is for discussion at the March 20, 2012 Committee of the Whole meeting and is scheduled for the Common Council meeting the same night for consideration.



Bartolotta Fireworks Company, Inc
PO Box 5
Genesee Depot, WI 53127
Phone: (262) 968-4178
Fax: (262) 968-2254

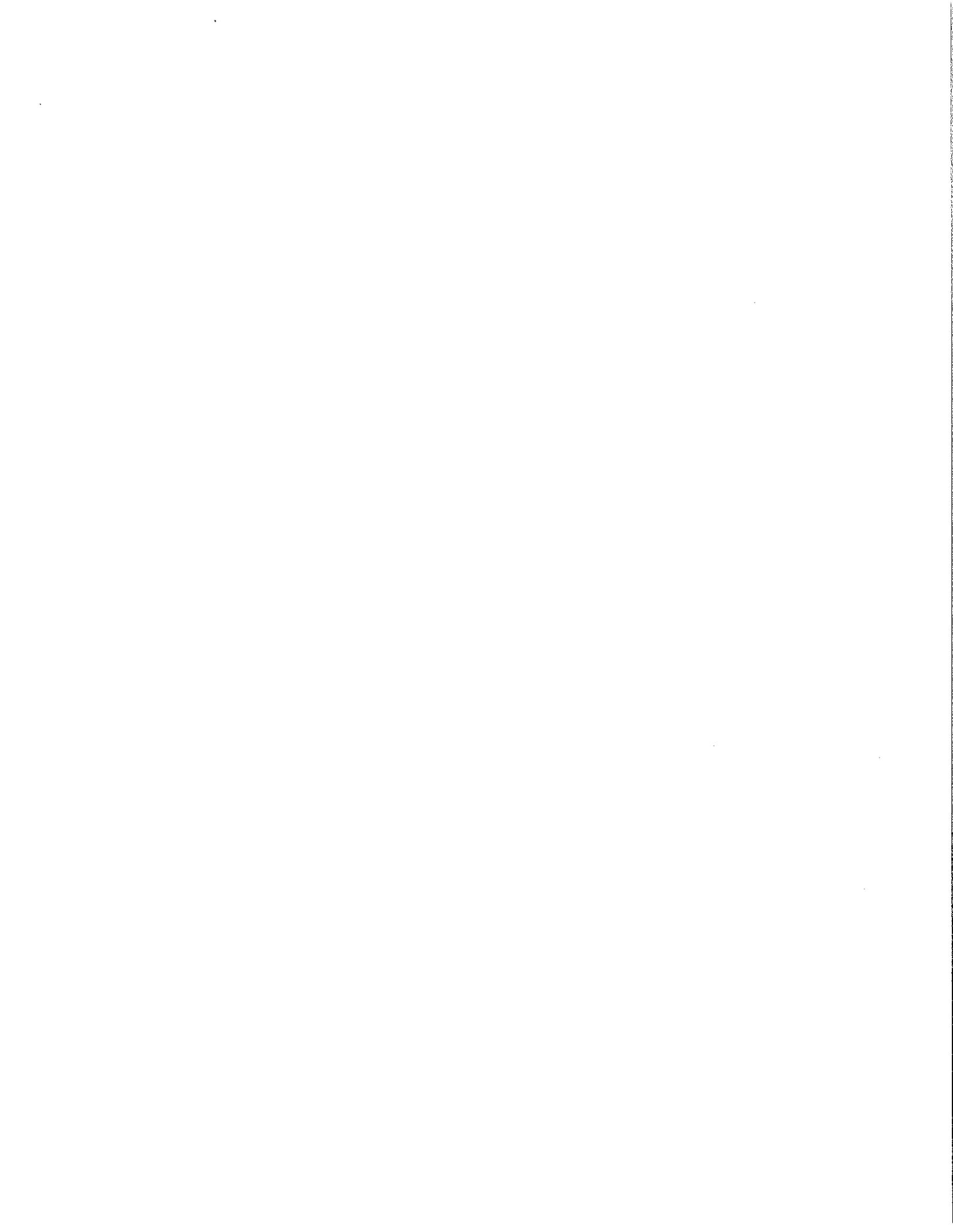
Sponsor:
City of Burlington
300 N Pine Street
Burlington, WI 53105

Date: 3/15/12

CONTRACT

This contract entered into this **15th** day of **March** 2012, engages the services of Bartolotta Fireworks Company, Inc., (hereinafter referred to as "Bartolotta") to produce and perform a pyrotechnic display under the following terms:

1. Bartolotta reserves the right to make substitutions as to the amount, size and description of fireworks as called for in this Contract as reasonably necessary to address health and safety concerns.
2. Bartolotta shall provide qualified pyrotechnicians who will deliver, set-up, execute and take down the pyrotechnic display. The pyrotechnicians shall conduct an after-display search of the grounds in an effort to locate and dispose of any unexploded fireworks. The extent of such search shall be reasonably dictated by such elements as prevailing weather conditions, time of completion of display, etc.
3. Bartolotta shall provide Liability Insurance in the amount of \$5,000,000.00, naming the Sponsor as an additional name insured. Further, Bartolotta shall provide Workman's Compensation insurance on the assigned pyrotechnicians, and all necessary USDOT transportation/ trucking insurance of the shipment of the display items.
4. **The cost of the display shall be \$10,000.00.** At the time of signing of this Contract, Sponsor shall pay a **deposit in the amount of \$5,000.00.** The remaining balance shall be paid within 15 days following completion of the display. **A 2.5% Hazardous Material Handling fee will added to the invoice (based on the display cost) along with any permit fees paid by Bartolotta.** A late fee of 1.5% per month shall apply to any unpaid balance remaining beyond this 15-day period, and should there be additional display yet to be performed by Bartolotta, Bartolotta shall have the right to terminate this contract with no further obligation for Bartolotta to perform any remaining displays.
5. The date of the display shall be **July 4th, 2012 @** **pm.** In case of inclement weather, the display will be rescheduled for **(to be determined by sponsor) at no additional charge to the Sponsor.** In the event inclement weather forces the cancellation of the display and the said display is not rescheduled, the Sponsor shall pay the sum of \$3,333.00 for labor and restocking charges. The decision of whether to proceed with the display based upon inclement weather or the imminent threat of inclement weather shall be made by Bartolotta and the Sponsor. Bartolotta shall have complete authority to cancel the display if, in the reasonable opinion of Bartolotta, the health, safety, and well being of the pyrotechnicians and/or spectators would be jeopardized by proceeding with the display.
6. Sponsor shall procure and furnish a suitable location for the fireworks display in accordance with NFPA 1123, and shall secure all police, fire, local and state permits, and shall furnish all necessary police, fire and other appropriate protection necessary for proper crowd control, automobile parking, and supervision in clearing the debris after the display.
7. Sponsor explicitly acknowledges that an early morning search of the grounds/ location the morning after the display is of utmost importance. If any unexploded or defective fireworks are found, that were missed during the inspection after the event, the Sponsor shall immediately call Bartolotta and Bartolotta shall send a pyrotechnician to the location to dispose of said materials. The morning after search of the grounds will be conducted by Sponsor. (Bartolotta crew members shall conduct this search when physically possible. If



distance or other conditions prohibit Bartolotta from conducting the search, Sponsor agrees to conduct said search).

8. Bartolotta agrees to take all steps reasonably necessary to safeguard Sponsor's property and the property of spectators. Should any losses occur which the Sponsor believes are the result of an intentional act or an act of negligence by Bartolotta, the Sponsor shall notify Bartolotta of the nature of the loss and the date on which the loss occurred. Said notice shall be in writing and shall provide as much detail as reasonably possible in relation to the nature and extent of the loss.
9. Bartolotta shall perform all services required hereunder, except when prevented by strike, lockout, act of God, accident, or other circumstances beyond Bartolotta's control.
10. This Contract shall be constructed by laws of the state of Wisconsin. In the event that any provisions of this agreement are deemed unenforceable by any court of competent jurisdiction, the remaining provisions hereof shall remain in full force and effect.
11. The Parties shall indemnify and hold one another, their directors, officers, employees, agents and affiliates harmless from and against any and all damages, claims, costs, expenses (including reasonable attorneys fees), and liability related to indemnifying Party's acts, omissions or breach of warranty under this contract.
12. Sponsor agrees to indemnify and hold harmless Bartolotta for any and all cost and liabilities, which Bartolotta may incur as a result, or arising out of products not supplied by Bartolotta or the actions of individuals other than the pyrotechnicians and other employees of Bartolotta.
13. This Contract constitutes the entire agreement between the parties hereto and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, either oral or executed in writing by the parties to be bound thereby. The waiver of any provisions of this Contract shall not constitute a waiver of any other provisions of this contract.
14. The party signing this document on behalf of the Sponsor warrant and represents that (s) he is authorized to enter into this agreement on behalf of the Sponsor.

ADDITIONAL PROVISIONS:

BARTOLOTTA FIREWORKS CO. INC:

CITY OF BURLINGTON:

By: _____

By: _____

Date Signed: ____/____/____

Date Signed: ____/____/____

Address: P.O. Box 5
Genesee Depot, WI 53127

Address: 300 N Pine Street
Burlington, WI 53105

Phone:

Email:



PERMIT TO POSSESS AND DISPLAY FIREWORKS

_____ County _____ State

_____ 2012

TO WHOM IT MAY CONCERN- GREETINGS:

Application having been made in accordance with the laws of the State of _____,

This permit is issued to _____

Giving them the right to exhibit display fireworks on the _____ day of _____, 2012,

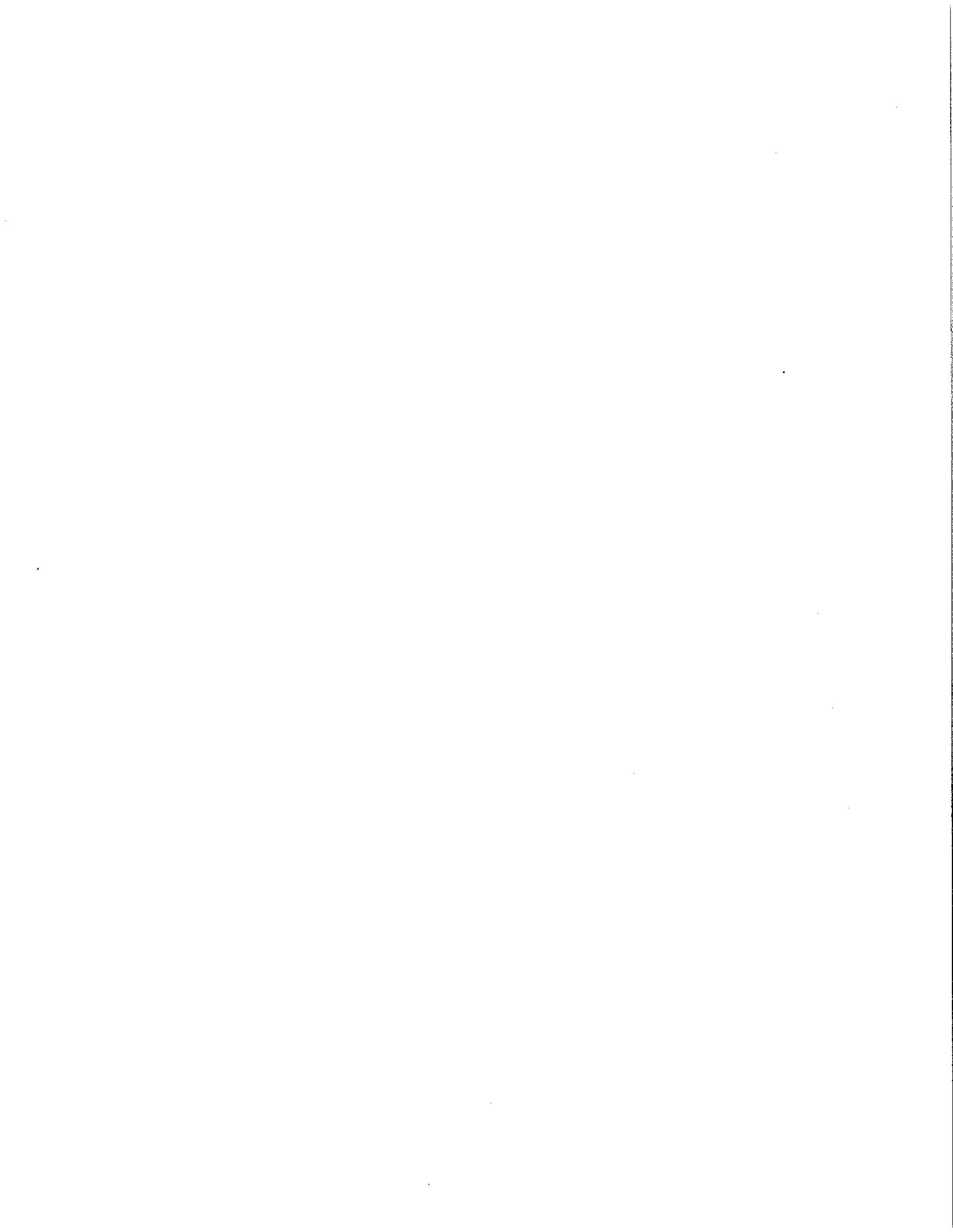
At _____ o'clock P.M. at _____ in said County,

In connection with _____ celebration.

Rain Date (In the event of inclement weather): _____

BARTOLOTTA FIREWORKS CO., INC.
P.O. Box 5
Genesee Depot, WI 53127
262-968-4178
Fax: 262-968-2254

SHERIFF OR CHIEF OF FIRE DEPARTMENT



BARTOLOTTA

Fireworks Company, Incorporated

October 20th, 2011

Dear Valued Customer,

Bartolotta Fireworks would like to thank you again for another successful year even with the tough economy we are all facing.

Again this year we have started our advanced planning process to ensure that we provide you with the best products, best service and of course the best prices for your budgets on your upcoming display.

We are extending our special promotion to you again this year by offering you **10% more product** with a signed contract and 50% deposit by January 1st, 2012.

I understand that many budgets are not set for 2012, so if you have concerns, please feel to contact us to discuss other arrangements.

Please contact our office manager via email at gina@bartolottafireworks.com or give us a call at 262-968-4178 to schedule your 2012 display.

Thanks for your continued support & we look forward to working with you again!

Sincerely,



Jeffrey A. Bartolotta, President

