



COMMITTEE OF THE WHOLE

ITEM NUMBER 4A

DATE: June 1, 2021

SUBJECT: DISCUSSION: A discussion regarding Stormwater Utility REU Calculations and Follow Up from May 18, 2021 Discussion.

SUBMITTED BY: Peter Riggs, Director of Public Works

BACKGROUND/HISTORY:

A discussion regarding Stormwater Utility creation and responses to aldermanic questions about residential equivalent unit (REU) calculations and other topics from the May 18, 2021 discussion.

BUDGET/FISCAL IMPACT:

This discussion does not have a direct financial impact.

Decisions on implementation of a Stormwater Utility will have fiscal impacts on future operating and capital budgets. These decisions will be presented at future Council meetings in 2021 and as part of the 2022 budget process.

RECOMMENDATION:

This presentation is for education and discussion purposes only and contains no action items; therefore, no recommendation is necessary.

TIMING/IMPLEMENTATION:

This item is scheduled for discussion at the June 1, 2021 Committee of the Whole Meeting. Additional discussion and action items are planned for meetings throughout the summer of 2021. A discussion regarding stormwater credits and a peer community presentation is expected for the June 15, 2021 Committee of the Whole Meeting.



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CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, June 1, 2021

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

Mayor Jeannie Hefty called the Committee of the Whole meeting to order via Zoom at 6:30 p.m. Roll Call - Present: Alderman Shad Branen, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Jon Schultz, Alderman Tom Preusker, Alderman Bill Smitz. Excused: Alderman Steve Rauch.

Student Representatives: Present - None. Excused: Mattea Chamberlain (BHS), Peter DeSmidt (CCHS)

Staff present: City Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Police Chief Mark Anderson, DPW Director Peter Riggs, Library Director Joe Davies, Building Inspector Gregory Guidry, Utility Manager Don Hefty, and City Engineer Gregory Governatori.

2. **Citizen Comments:** None

3. **Approval of Minutes** - To approve the May 18, 2021 Committee of the Whole Meeting Minutes. *Motion: Alderman Meyer. Second: Alderman Grandi. With all in favor, the motion carried.*

4. **DISCUSSION:**

A. A discussion regarding Stormwater Utility REU Calculations and Follow Up from May 18, 2021 Discussion.

Director Riggs provided an overview and stated that this is a continuation of an ongoing discussion that was first presented at the May 18, 2021 COW meeting. Riggs then turned it over to City Engineer, Gregory Governatori.

Governatori provided a brief overview of ERU's from 14 peer communities that utilize Stormwater Utility and the rate structure they use, including a tiered system.

Alderman Preusker stated that if it's determined to create a stormwater utility, he wants to be sure property owners are charged as fairly as possible based on impervious surface and does not agree with a standard 1 ERU per residential household and explained his reason. Preusker then inquired about commercial businesses (or residences) who have gone through the process of remediation and stormwater utility improvements, and questioned if there should be a credit for these businesses/residences. Governatori responded that he would provide more information at the next presentation, which will address the credit policy.

Alderman Grandi commented that trying to individually calculate impervious surfaces for residential properties was like splitting hairs, and felt comfortable using the 1 ERU per residential property.

Alderman Schultz stated that he agreed with both Alderman Preusker and Alderman Grandi and felt there should be an equitable solution for those not contributing to the stormwater issues, yet calculating these areas by hand seems impossible. Schultz then asked Governatori about the automated technology available to other communities and inquired when it might be available in our area. Governatori responded that the technology is out there, but it is very regional and not localized to our area and not sure when it will become available.

Schultz also expressed his concern for people with smaller houses who possibly can afford less and then asked the benefits of a utility versus funding through general property taxes. DeQuaker responded that creating a utility offloads from the General Fund into a self-supportive revenue stream, much like the water or sewer utility.

Alderman Branen inquired about vacant lots and if there should be a fee associated with this because it is vacant. Branen then asked if there was an expense in establishing a utility. Branen also asked if there is to be a universal charge to all properties, is it possible to mirror something similar to how taxes are calculated. Governatori responded to the vacant parcel inquiry and stated that due to feedback from a previous discussion, there would be no ERU calculated for a vacant parcel.

B. Status update regarding the 2020-2023 Strategic Plan Initiatives.

Administrator Walters provided an overview stating that staff intends to review the Strategic Plan quarterly to keep staff accountable and elected officials apprised of where we are in the plan itself. Walters then reviewed the attached spreadsheets regarding financial sustainability, economic development, operations and infrastructure, and community engagement.

5. **RESOLUTIONS:**

A. **Resolution 5100(9)** - To approve the award of the contract for stump removal to B & J Tree & Landscape for the not-to-exceed amount of \$14,374.00.

Director Riggs provided an overview stating that stump removal is a critical step in the forestry process, which requires special equipment that the City does not own and typically contracts for this service. Riggs further stated that it was intended to grind another 43 stumps in the Fall of 2020 but with COVID restrictions, staffing and budget restraints, this could not be completed, and they are now behind. Riggs stated the current program includes 98 stumps, of which 31 are located in the Burlington Cemetery. Riggs stated that three quotes were received, with B & J Landscape being the lowest bidder for the amount of \$14,374.00. Riggs further stated that there are two different line items that fund this activity, which are the Parks Forestry Budget and the Parks Cemetery Budget.

Alderman Grandi asked if it was typical for these monies to come out of the Park Budget, being that the majority of stumps are located in the parkways of residential. Riggs responded that it is covered under Forestry, which is a subsection of the Parks Budget. Grandi then asked how are they determining which stumps to remove. Riggs responded that any stump on a public parkway stump list will be removed and if the stump is not on the list, they need to be notified, so those stumps can be added to the list and removed as well.

Alderman Preusker commented that he wondered if there was a more adequate way to fund this program and if parkway trees for residences shouldn't be part of Streets and wanted to make sure the budget is keeping up. Riggs responded that every year as part of the Forestry Budget, funds

are allocated and used for this purpose and this isn't a new program, but it is a large program. Riggs further stated that once these 98 stumps are removed, only the most recent stump removals that didn't make it on to the list, would remain.

Alderman Smitz questioned why the City isn't providing cleanup or restoration for cemetery stump removal and if there would be any liability issues we should be concerned about. Riggs responded the Cemetery Association and their sexton, Jim Schaal, reached out and offered to do the restoration themselves. Smitz then asked if they have a timeline for completion to alleviate liability issues. Riggs responded that he would reach out to Schaal but knowing him, that won't be a problem. Smitz also asked about the large difference in pricing with the bids and wanted to know if there was normal. Riggs responded it is not typical; however, the City worked with B & J in the prior year and was very pleased with them.

Mayor Hefty commented that she believes the cemetery has their own insurance and the City doesn't hold liability. Riggs referred to Attorney Bjelajac. Bjelajac responded that he believes the cemetery carries their own insurance but would have to double-check.

Alderman Meyer also questioned the price difference and wanted to make sure something wasn't missing in the bid. Riggs responded that they haven't missed anything and because they have worked with the City before, they know what to expect and what they need, and they have been a good company to work with. Meyer then asked if there is a completion date. Riggs responded they should be able to do several stumps per day and have the job done in about 2 weeks.

B. **Resolution 5101(10)** - To approve the 2020 Compliance Maintenance Annual Report (CMAR) for the Wastewater Utility.

Utility Manager Don Hefty provided an overview of the CMAR, which is required by the WDNR to ensure the City's Wastewater Utility is in compliance with the permit issued by the WDNR. Hefty reported the 2020 CMAR grade point average for the Wastewater Utility to be a 4.0, which is the tenth time since 2007 and shows a history of excellence and professionalism in wastewater collection and that the wastewater treatment plant and is full compliance with the WPDES permit.

Alderman Schultz asked why the influent levels reported for January were so high, yet December so low. Hefty responded that sometimes they take in a lot of hauled waste, which can factor in to those numbers. Hefty explained that the calculation is based on flow as well as concentration; so as the flow fluctuates the loading can too. Schultz stated that it seems odd that the winter months would be higher. Hefty further explained that sometimes Nestle's is a driving factor because they shut down their plant at the end of the year and is one of the City's major contributors to the BOD loading; so when they open a new process line at the beginning of the year, that can affect the influent levels as well.

Alderman Branen asked what qualifies as a passing grade. Hefty responded they have section points and weighing factors and explained the calculation process and then stated the grading is based on an A, B, C, D, F grading system.

C. **Resolution 5102(11)** - To Declare Intent to Exercise Special Assessment Powers for Reconstruction of Sidewalks at Various Locations.

Director Riggs explained this is the final step in the special assessment process associated with the 2021 in the sidewalk program, which is a necessary component in order to special assess properties as required by Code for the replacement of sidewalks in the right-of-way. Riggs further explained that property owners will be responsible for half of the cost of repairs, while the City is responsible for the remaining half.

Alderman Schultz asked if the newly planned sidewalks for the Maryland Avenue street project would be subjected to the special assessments or if they were included in the road program. Riggs

responded the sidewalks are included in the road program.

Alderman Smitz asked what happens when a sidewalk is damaged due to tree roots and do you repair and keep the integrity of the tree. Riggs responded that tree root heaving is a common issue and when the sidewalk is replaced, they do what's called "root pruning", and then explained the process. Smitz then asked how this affects the cost of the project. Riggs replied that costs are factored into the bid.

- D. **Resolution 5103(12)** - To approve a contract with Poblocki Paving for the resurfacing, repainting, resealing and restriping of the tennis courts at Devor Park for the not-to-exceed amount of \$15,536.00.

Director Riggs provided an overview stating that this project is the resurfacing of the tennis/pickleball courts at Devor Park, which was last resurfaced in 2007. Riggs stated they received two bids and Poblocki Paving was the lowest bidder. Riggs then explained further details of this resurfacing project.

Alderman Grandi commented that these courts are actively used and is a good project. Grandi also suggested they consult with Pickle Ball players for proper color scheme of the lines.

Alderman Schultz inquired as to how much downtime there would be. Riggs responded that the courts will be down for at least a week in order to cure.

Alderman Branen inquired about the lighting and asked if it could use upgrading. Riggs stated that a lighting repair project had been completed and then referred to Hefty for further information. Hefty stated that in 2012 the lights were upgraded from the halogen lighting to the metal halide lighting; however LED improvements could be made, but there would be a high return on investment due to the cost.

Alderman Smitz asked what the life expectancy of the crack filling will be. Riggs responded they are using better technology so they should get greater than 10 years.

6. **ORDINANCES:** None

7. **MOTIONS:** None

8. **ADJOURNMENT**

Motion: Alderman Grandi. Second: Alderman Schultz. With all in favor, the motion carried and the meeting was adjourned at 7:33 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington